CITY OF MURFREESBORO
BOARD OF ZONING APPEALS

Regular Meeting, August 24, 2016, at 1:00 p.m.
City Hall, 111 West Vine Street, Council Chambers, 1st Floor

A G E N D A

1. Call to order

2. Consideration of minutes for the regular meeting on June 29, 2016

3. Consideration of minutes for the regular meeting on July 27, 2016

4. New Business

Variance and Special Use Permit Request

a. Application Z-16-053 by Jim Crumley of the City of Murfreesboro, making the following requests for property in the Multi-Family Residential (RM-16) district located at 701 Bridge Avenue:

   i. A Special Use Permit to allow an Institutional Group Assembly Use (Public Building) in the RM-16 district; and

   ii. A thirty (30) foot Variance from Chart 2 (Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios) of the Murfreesboro Zoning Ordinance, which allows a maximum height of thirty-five (35) feet for structures in the RM-16 district.

Special Use Permit Requests

b. Application Z-16-054 by Monica Robertson, requesting a Special Use Permit to allow a Home Occupation (Counseling Office) on property in the Single-Family Residential (RS-15) district located at 2410 Ravenwood Drive.

c. Application Z-16-055 by Sharon White, requesting a Special Use Permit to allow an Accessory Apartment on property in the Single-Family Residential (RS-15) district located at 951 Esquire Court.

d. Application Z-16-056 by Clyde Rountree of Huddleston-Steele Engineering Inc. representing Mary Reed, requesting a Special Use Permit to allow a Self-Service Storage Facility on property in the Commercial Fringe (CF) district located along the east side of Veterans Parkway, south of Cloister Drive.

5. Staff Reports and Other Business

6. Adjourn

Regular Meeting Minutes of the Murfreesboro
Board of Zoning Appeals

June 29, 2016 – 1:00 P.M.
City Hall, Room 218

MEMBERS PRESENT
Julie King
Frances Mosby
Ken Halliburton, Vice-Chair
Davis Young, Chairman
Tim Tipps

MEMBERS ABSENT

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

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

Minutes from the March 23, 2016 regular meeting were approved as submitted.

Minutes from the April 27, 2016 regular meeting were approved with one change. Mr. Ives said Mr. Tindall attended that meeting.

New Business

Application Z-16-040 by David Rowland, making the following requests for property in the Duplex Residential (R-D) district located at 1001 North Church Street:

- For frontage along North Church Street, a ten (10) foot Variance from Chart 2 (Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios) of the Murfreesboro Zoning Ordinance, which requires a minimum front yard setback of thirty (30) feet in the R-D district; and
- For frontage along West Hayes Street, a twenty (20) foot Variance from Chart 2 (Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios) of the Murfreesboro Zoning Ordinance, which requires a minimum front yard setback of thirty (30) feet in the R-D district.

Mr. Anthony reviewed the application and the Staff comments contained in the BZA agenda package and said two separate motions are needed. Mr. Rowland was available to answer questions.

Ms. King asked if the side-setback was 5-feet.

Mr. Anthony said yes, adding that would apply to the two sides that don't have a street frontage.

Mr. David Rowland, the applicant, came to the podium and said the issue he has is the 30-foot setback on each side because there is an existing garage. He said he would like to place his house where he could create a new driveway coming off Church Street. He said the 30-foot setback off Hayes Street would push his house in of the existing garage. Mr. Rowland said the house directly across from the subject property on Church Street has a set-back that would be close to the same as theirs.

Mr. Halliburton said there is a house farther down East Hayes on the corner of North Spring Street doesn't look any more than 10 – 15 feet.

Mr. Rowland agreed stating that house is right up against the street. He said from the street to where his house would be located would be 22-feet. He said his property line stops on the edge of the sidewalk adding there is a 4-foot sidewalk, 8-foot grass strip and then the street, so it would still be 22-feet from the edge of his house. He said he wouldn't be right up on the street.

Mr. Tipps asked what affect it would have if Mr. Rowland pushed the house back 30-feet on South Church side.

Mr. Rowland said on the front, he probably could do that but he wanted to be in-line with the houses going down the north, down Church Street adding those houses are about 17-feet to their front step. He added the house will be a Craftsman-Style home.

Mr. Tipps said Mr. Rowland mentioned something about magnolia trees.

Mr. Rowland said he would like to be positioned between the magnolia trees.

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

Ms. Mosby made a motion to approve a ten (10) foot Variance for frontage along North Church Street from Chart 2 (Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios) of the Murfreesboro Zoning Ordinance, which requires a minimum front yard setback of thirty (30) feet in the R-D district. The motion was seconded by Mr. Halliburton and carried unanimously in favor.

Ms. King made a motion to approve a twenty (20) foot Variance for frontage along West Hayes Street from Chart 2 (Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios) of the Murfreesboro Zoning Ordinance, which requires a minimum front yard setback of thirty (30) feet in the R-D district. The motion was seconded by Mr. Halliburton and carried unanimously in favor.

Application Z-16-041 by Matt Taylor of SEC Inc. representing Circle K Stores Inc., requesting a fifteen (15) foot rear yard setback Variance from Chart 2 (Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios) of the Murfreesboro Zoning Ordinance, which requires a minimum rear yard setback of twenty (2) feet, for property in the Highway Commercial (CH) district located at the southeast corner of John Bragg Highway and South Rutherford Boulevard.

Mr. Anthony reviewed the application and the Staff comments contained in the BZA agenda package. Mr. Mark Lee with SEC Inc. was present to answer questions.

Mr. Lee, on behalf of Matt Taylor, came to the podium. He said being on the corner lot of two heavily traveled roads the preference of everyone would be to move the entrances as far away as they can from that intersection, which they have done as shown on South Rutherford Boulevard adding there is a controlled access on John Bragg Highway. The only point they could have access is to line up with the existing curb-cut, median cut, and Tennessee Parks Department Drive. Mr. Lee said this site has a lot of easements on it, so it pushes them into one spot which causes an infringement into the rear setback. He said they are working with the property owner to purchase a portion of the property to make the entrance onto John Bragg Highway.

Chairman Young asked if there was some screening between them and the neighbors to the south.

Mr. Anthony said yes. He pulled up an aerial view of the property and pointed out a tree-line located on the property line.

Ms. King asked which property the tree-line is located on.

Mr. Anthony said the tree-line appears to be on the neighboring property stating it could have been some kind of requirement when it was developed. He said there is also a driveway (service drive) that would lie between the Alexander Plaza building and this property.

Ms. King asked if there were any requirements with regards to the dumpster. She said she might be thinking about something on Medical Center Parkway.

Mr. Anthony said the dumpster will have to be screened appropriately.

Ms. King verified there were no setback requirements.

Mr. Anthony cannot think of any setback requirement. He said the dumpster should be located to the rear, out of view. Mr. Anthony said the dumpster should not be prominent on-site.

Ms. King verified there were no distance requirements.

Mr. Anthony said not that he is aware of.

Ms. King said the dumpster enclosure looks to be the same distance as the building.

Mr. Anthony said because the dumpster will be a structure, it should be at least 5-feet off the property line.

Ms. King said it is about 6.5-feet off the property line.

Mr. Lee referred to the site plan stating there are two connections to the Alexander Square property just below, one on the east side and one on the west side. He said they did a site design on Alexander Square several years ago and had trees planted along the north property line of Alexander Square adding they will do the same on this project. He said there will be a double row of trees on the south side.

Chairman Young verified there is access to Alexander Square.

Mr. Lee said there are two access points, one on each side of the Alexander Square building. He said that would give them access out to South Rutherford to the north and also to John Bragg Highway to the north. He said the City likes the interconnectivity to keep cars circulating on-site rather than going off-site to get back onto another site.

Mr. Halliburton said it is a good idea to be able to get to John Bragg Highway. He said getting out of this location is a task.

Mr. Tipps asked if they would be purchasing all of that or just a portion.

Mr. Lee said they will purchase the portion that will allow the connection to John Bragg Highway. He said there is a detention pond there they will accommodate with underwater detention on this site to make it happen.

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

Mr. Halliburton made a motion to approve a fifteen (15) foot rear yard setback Variance from Chart 2 (Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios) of the Murfreesboro Zoning Ordinance, which requires a minimum rear yard setback of twenty (20) feet, for property in the Highway Commercial (CH) district located at the southeast corner of John Bragg Highway and South Rutherford Boulevard. The motion was seconded by Ms. Mosby and carried unanimously in favor.

Application Z-16-042 by Matt Taylor of SEC Inc. representing Wasatch Storage Partners, requesting an amendment to a previously-granted Special Use Permit to allow a self-service storage facility on property in the Commercial Fringe (CF) district located along the west side of Cason Lane, south of New Salem Highway.

Mr. Anthony reviewed the application and the Staff comments contained in the BZA agenda package. Mr. Lee with SEC Inc. was present to answer questions.

Chairman Young verified the applicants are changing the number of buildings and when they are being built.

Mr. Anthony said yes. He said previously there was not a phasing exhibit so the entire site was to be constructed simultaneously. He said now they are proposing all of the buildings except for four being constructed simultaneously and then those remaining four being constructed as some later time. Mr. Anthony said that was indicated on the site plan on Phase I and Phase II. He said the Phase II area would be used for articular and RV type storage.

Mr. Halliburton verified the phasing piece of it would not affect the buffering being placed on the front end.

Mr. Anthony agreed.

Ms. King asked if that would require buffering on the back side.

Mr. Anthony said south of the site there is residential property and there is a 15-foot buffer required by the Zoning Ordinance to be maintained.

Ms. King verified there was no request to remove that buffer.

Mr. Anthony said there is not and said the applicant was proactive in contacting Staff knowing the site had already been approved. The applicant wanted to know if putting in a phasing program would require it to come back to the Board of Zoning Appeals. Mr. Anthony said to be safe, he suggested bringing it back to the Board of Zoning Appeals.

Ms. King verified there were no variances necessary.

Mr. Anthony agreed there were no variances necessary.

Mr. Lee came back to the podium and said the phasing will be a temporary situation to store RVs, trailers, cars, and boats in the 2nd phase area on a temporary basis until Phase II is constructed. He said a Type D buffer yard will be installed to the south for the abutting residential subdivision. Mr. Lee said a Type D buffer is a very dense buffer.

Mr. Halliburton asked if there was a fence currently on the property.

Mr. Lee said there will be a fence installed and added there is a 100-year flood plain and floodway along the south property line so the fence could not go right on the property line.

Mr. Halliburton verified Phase II is 6–11.

Mr. Lee said Phase II is 7-10.

Ms. King asked if the fence would be constructed prior to the buildings being built to enclose the parking area.

Mr. Lee said the fence would have to be built in order to provide security.

Mr. Halliburton said the site plan is showing proposed building 7 and asked if they are taking the fence on the front end all the way to building 6.

Mr. Lee said yes adding there is a drainage easement along the east side as well so they would have to stay out of that easement.

Mr. Anthony pointed out there is a landscaping plan in the agenda packet that shows a very dense type of buffer on the south between the storage units and the residential area.

Mr. Ives said there is also some distance on the other side of the buffer to the residents.

Mr. Lee agreed and said there were not any houses built close to this adding the closest house is about 200 feet away.

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

Ms. Mosby made a motion to approve an amendment to a previously-granted Special Use Permit to allow a self-service storage facility on property in the Commercial Fringe (CF) district located along the west side of Cason Lane, south of New Salem Highway. The motion was seconded by Ms. King and carried unanimously in favor.

Application Z-16-043 by Joe Chrisman, requesting a Special Use Permit to allow a Fireworks Retailer on property in the Highway Commercial (CH) district located at 511 Southeast Broad Street.

Mr. Anthony reviewed the application and the Staff comments contained in the BZA agenda package. If the application is approved, Staff recommends the following conditions:

1) The applicant shall demonstrate ability to comply with Building, Fire, and City Pyrotechnic codes by obtaining a letter so stating from the Building and Codes Department. The applicant shall provide a copy of this letter to the Planning Department, which will include the letter in the project file;
2) The applicant shall provide Planning staff evidence of compliance with all state laws regarding fireworks, including T.C.A. §68-104-101 et seq.
3) The applicant shall provide Planning staff an exhibit showing a minimum of eleven parking spaces, none of which may impede entrance to or exit from the service bays.
4) The applicant shall keep and maintain a fire extinguisher on site at all times.
5) The applicant shall keep the City's fireworks ordinance posted on site at all times.
6) Fireworks shall not be set-off on site.

Mr. Chrisman was present to answer questions.

Ms. King said this request sound similar to an application submitted about a year ago regarding a retailer off Thompson Lane requesting to sell fireworks. She recalled that application was denied because it was not close enough to the interstate. Ms. King asked if Mr. Anthony if he had any information on that application.

Mr. Anthony said that particular application came before the Board of Zoning Appeals before he started working for the City.

Chairman Young recalled the application adding the firework sales request went along with a remodeling project taking place on the building.

Mr. Halliburton said that application was located along Thompson Lane and Robert Rose Drive.

Ms. Mosby remembered approving the application but denying the portion in regards to the sale of fireworks.

Mr. Ives said since fireworks are not able to be shot year round, selling fireworks to local people year-round is problematic. He said the point being if people are driving through going to places where fireworks might be legal, they might be able to buy them. He said there used to be a fireworks store on South Church Street but the building caught fire, burned and was not rebuilt. Mr. Ives said across the street from where that business was located, there is a gas station that also sells fireworks. Mr. Ives said those are the only two locations he is aware of in Murfreesboro that sells fireworks year-round.

Ms. King asked how far the Thompson Lane location was from the interstate.

Mr. Ives guessed the location was less than a mile from the interstate.

Ms. King said that is what she remembers as well.

Mr. Tipps said he realizes there are temporary firework stands all around town and asked if these references are only to locations that are set-up to be retail sells year-round.

Mr. Ives said yes, pointing out interstate proximity is not required for temporary firework sells.

Mr. Tipps asked if the applicant were requesting to not sell fireworks year-round, would he still be under the same standards since he has a permanent retail location.

Mr. Anthony said the applicant would be treated as a seasonal retailer similar to the twelve firework tents that have gone up in the last few days. Mr. Anthony did not think he would be able to satisfy the requirements for seasonal firework sales due to space limitation on the lot.

Mr. Halliburton asked if the applicant could use his existing structure to be a seasonal fireworks vendor.

Mr. Ives said he could use the structure but the problem is enough parking area and how to get in and out.

Mr. Halliburton asked if the seasonal sale of fireworks would require him more parking than the eleven (11) spaces they were talking about.

Mr. Anthony said it might be possible to do it seasonally, that was just not the request.

Mr. Ives said he might be within 250-feet of alcoholic beverages, but is not sure.

Mr. Tipps asked if seasonal firework sales would require more parking or the same.

Mr. Anthony said they require about the same.

Mr. Tipps asked why are we dove-tailing as this gentleman has an existing business with a certain number of spaces, but to do seasonal sales we're saying "he has to do this plus that". He asked why would we be stacking it.

Mr. Anthony said because his existing business is not going away. It would continue and it would occur simultaneous. He said this would be a new use added on top with a new customer flow on top of your existing customer flow.

Mr. Tipps questioned, even though they are in the same facility.

Mr. Anthony said yes, even though it is in the same facility. He said by adding the fireworks, you are not going to reduce the demand for tires, they are disconnected from one another.

Mr. Tipps said if he was in some other type of retail operation and said he wanted to add firework sales, his parking was already at a higher level compliance required for much more retail than service related and asked if that was a fair statement.

Mr. Anthony did not understand the question.

Mr. Tipps asked if another type of business, for example an auto parts store, decided to sell fireworks would they be required to have additional parking spaces.

Mr. Anthony said Staff would look at that individually to determine the use classifications. He said if the use classification is the same as adding the fireworks sales would be, additional spaces might not be needed. Mr. Anthony said these are two totaling different classifications.

Chairman Young asked if some of this property predates some of the parking requirements.

Mr. Ives said if this was a vacant lot today, Mr. Chrisman would have a hard time establishing this business there. Mr. Ives said Mr. Chrisman has been at this location for a long time, expanded in recent years and added his business pre-dates the City's current regulations. Mr. Ives said it is highly questionable if he would have enough parking if he had to meet today's parking standards. The time he has been there, he is grandfathered in on the parking adding it is tight sometimes but Mr. Chrisman makes it

work. Mr. Ives said adding another business would attract more people to come in and park on the site which could be a serious problem with parking access.

Mr. Anthony referred to an earlier question about how far the interstate was from the applicant that applied to sell fireworks at a location on Thompson Lane / Robert Rose Drive. He pulled up a map and said the building was approximately .75 of a mile from the interstate.

Chairman Young remembers there were two other locations in that same area that sold fireworks so there was talk about which location the people would purchase from.

Mr. Chrisman came to the counter and said he must be the first person to come before the Board of Zoning Appeals. He said all the Dollar General and UGO (United Grocery Outlet) stores sell fireworks. He said they put them in for the season and then they are gone. Mr. Chrisman said the reason he applied for a year-round permit was because the difference is if you have a year-round permit then you don't have to apply every year – it is a permanent thing. He said if you apply for a seasonal firework sales permit, you are just applying for this year in July and January, so he applied for year-round. He said you only sell fireworks on the 4th of July and New Year's Eve. Mr. Chrisman compared it to selling a sled stating the only time you are going to sell a sled is when it snows. Mr. Chrisman said he has been at this location for 37 years and his parking has always been adequate. He said there are three bays but they do not pull cars inside the bays, as they are used merely as a way to get inside the building. He said you can't pull out the back as there are tire machines setting in front of the doors. Mr. Chrisman said the whole parking lot is just for parking. He said most of the firework sales will be from 5:00 P.M. till quitting time. Mr. Chrisman said he has a permanent firework stand in the county he has had for 17 years and thought with this permanent business location he would apply to sell fireworks here too. He said there is a seasonal fireworks stand about 200 yards from this location on the corner of Broad and Church adding this is a busy location that only a helicopter can get in and out. Mr. Chrisman said his entrance is in better shape than anything that is a temporary location. He said they could probably apply for a temporary location but he has done that before and the weather is a big factor. He likes the idea of having it indoors so he can close the doors and go home because if you have a tent, someone has to stay in the tent. He said his reason for applying for the year-round is so they wouldn't have to come back every year for the same dates each year. Mr. Chrisman said he is allowed to sell fireworks for 14 days in the county and 5 or 6 days is all they are allowed to sell them in the city. He said the main reason he came before the Board to begin with was to find out the rules because there are different rules for what can be sold in the county and what can be sold in the city. He said he never thought about parking being an issue as he has more parking room than any of the temporary firework vendors. He said his place of business also has an established entrance and exit but most of the tents don't. Mr. Chrisman said this decision is not going to make him or break him, he said he would like to be able to sell them. Mr.

Chrisman said he has talked with Mr. Ives about being close to the road but he did not move close to the road, they moved the road close to him.

Mr. Ives said that is true stating the road is closer to his front door today than it was when he opened 37 years ago.

Mr. Tipps asked Mr. Chrisman how many parking spaces he has at this location.

Mr. Chrisman said when they added onto the building last time, the City told him he needed to have 19 parking spaces which was determined by the square footage of the building. He said the property is not set-up like a regular parking lot stating the front is open all the way across. He said there is an awning on the front of the building where all their work is done. Mr. Chrisman said the cars pull in under the awning on one side and go out under the awning on the other side.

Mr. Tipps asked Mr. Chrisman if he has access to Ash Street.

Mr. Chrisman said there is no access to Ash Street but they did black-top that area behind the building when additions were made to the property.

Chairman Young asked if there was storage behind the building.

Mr. Chrisman said yes, there is a permanent trailer in the back that has been there for 15 years.

Ms. King said she was most concerned about the distance from the interstate and it being a year-round application.

Mr. Chrisman asked if he could change the application to a seasonal firework application.

Ms. King said she was not sure if we could transition this application to a seasonal request at this time since it was advertised as a year-round application.

Chairman Young said there are a number of conditions required to approve seasonal firework locations. Having the seasonal ones come back gives the Board an opportunity to determine if the location worked.

Mr. Chrisman said there is no problem if the Board turns down the application today, adding he will try again next year.

Chairman Young said the Board takes the distance from the interstate serious trying to determine who would be shopping at the location.

Mr. Chrisman said there is a seasonal fireworks stand right down the street from his business and thought he could sell fireworks at his location five days a week during their regular business hours.

Ms. King said if another applicant comes before the Board with a similar application, they might request to sell more than five days a week. She said that would be a problem with a year-round application.

Mr. Tipps asked Mr. Chrisman if he said Dollar General and UGO were selling fireworks in their businesses.

Mr. Chrisman said yes, all the retail stores including Sam's sell fireworks.

Chairman Young said there has been a seasonal fireworks vendor at Sam's in the past.

Mr. Chrisman was aware of the seasonal fireworks vendor, but told the Board Sam's also sells firework assortment packages inside the store.

Mr. Halliburton asked how the ordinance would come into play with respects to retailers selling fireworks.

Mr. Ives said he thinks the ordinance would come into play but he doesn't remember seeing fireworks in stores like Dollar General but not going to say they don't do it.

Mr. Chrisman said he was in a Dollar General across from the C & E Market that morning and saw a small assortment of fireworks being sold.

Chairman Young asked if the C & E Market was in the city or county.

Mr. Chrisman said it was in the county.

Mr. Ives does not think they sell fireworks inside the city businesses and if they are selling, they are not supposed to.

Chairman Young said if there are competitors selling fireworks and not interstate traffic, he would have a hard time denying Mr. Chrisman.

Chairman Young asked if there should be a public hearing and vote as presented today.

Mr. Ives said yes.

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

Ms. King said her biggest concern is the precedence this would set as the ordinance states that for yearly sales they need to be within close proximity and that the Board has previously denied one being closer than where this applicant is located. She said she can't overcome that hurdle at this time and will be happy to review a seasonal request after that request is made. She said the parking spaces may or may not be applicable there. She said her biggest concern is in regards to the proximity issue.

Mr. Halliburton asked if that was a motion to deny.

Ms. King made a motion to deny a Special Use Permit to allow a Fireworks Retailer on the property in the Highway Commercial (CH) district located at 511 Southeast Broad Street.

Mr. Halliburton said he agrees with the premise stating he does not know how they can approve this one when they did not approve one in the last 12 – 14 months based upon what Ms. King just outlined.

Mr. Chrisman asked if he were to reapply, should he request seasonal firework sales.

Mr. Halliburton agreed.

Chairman Young said he is inclined to go along with the motion.

The motion was seconded by Mr. Halliburton and unanimously approved.

Application Z-16-044 by Eric Klumpe, requesting a Special Use Permit to allow an Accessory Apartment on property in the Single-Family Residential (RS-15) district located at 2333 Irby Lane.

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

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

Mr. Eric Klumpe was present to answer any questions.

Chairman Young asked if the application was coming before the Board because it has a kitchen.

Mr. Anthony said yes, adding the accessory structure is referred to as a pool house in the application.

Chairman Young asked if the structure would be used just as a pool house.

Mr. Anthony deferred the question to the applicant.

Mr. Klumpe came to the podium and said the pool house is to provide entertainment for his family and friends. He said the kitchen was added when they started thinking about all the things they could do with it. Mr. Klumpe said when they entertain at their home they have to use the bathroom facilities in the kitchen in the main house which causes a lot of traffic in and out of the house. He is trying to divide living space from entertainment space.

Chairman Young opened the public hearing.

Mr. Charles Sterling at 1904 Irby Lane came to the podium. He lives across the street from the applicant. Mr. Sterling was concerned that another house was being built at the subject location which would affect the value of his house. He said if Mr. Klumpe is planning to attached the structure to his house, the right-hand end of the pool so it shows, he has no problem with that. Mr. Sterling was concerned about some staked-off area going down Fox Court, adding that area is not near the pool area. He said the building is a separate from the house and only 900 square-feet. He expressed concern that a 900 square-foot house would not be appropriate for this subdivision and would ruin the value of his house. Mr. Sterling said if Mr. Klumpe is planning to build a big house he would need to have an appropriate size lot. He said if he is just going to put an attachment on to the house, to the right-hand side of the pool and faces Irby Lane, he doesn't have a problem with that.

Chairman Young said the structure will be connected to the main house and proposed to be located to the right-hand side of the pool, facing Irby Lane. He said there are rules to determine the size an accessory structure stating he could not build an accessory structure the same size as his house.

Mr. Sterling asked if the accessory structure would face Irby Lane.

Chairman Young said it looked like a right-angle situation.

Ms. King asked Mr. Anthony to review the drawings.

Mr. Anthony reviewed the location of the house and accessory structure in relation to Irby Lane and Black Fox Court pointing out the accessory structure attaches to the house.

Mr. Sterling wanted to make sure the structure wasn't going to be used as rental property.

Chairman Young said the applicant will be required to sign a document that states renting the accessory structure is not an acceptable use. He said a lot of times this type of structure is called "mother-in-law apartments" so if a family member needs to stay with the family, there are provisions to provide for that. The document will allow that piece but will not allow rental.

Mr. Anthony agreed and said a family member could stay on a long-term basis and invited guests could stay on a short-term basis but the unit cannot be used as a rental. A document stating the above will be attached to the deed.

Mr. Sterling verified the accessory structure will be attached to the house.

Mr. Anthony said yes.

Ms. King said what the Board has before them is what the Board would be approving. If there was something other than that, then that is not what would be approved in this special use permit.

Mr. Scott Porterfield with Westfork Building Company came to the podium and said he helped Mr. and Mrs. Klumpe organize this. He said the stakes on the back-side of the property were put there by the environmental department marking the good soil area.

Chairman Young closed the public hearing.

Mr. Halliburton made a motion to approve a Special Use Permit to allow an Accessory Apartment on the property in the Single-Family Residential (RS-15) district located at 2033 Irby Lane with the following condition:

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

The motion was seconded by Mr. Tipps and carried unanimously in favor.

Mr. Anthony said Mr. Klumpe would need to sign and notarize the Restriction on Use of Land document that can be obtained from the Legal Department.

Mr. Ives corrected Mr. Anthony and said the document will be mailed to the applicant from the Legal Department.

Application Z-16-045 by Enoch Jarrell of Huddleston-Steele Engineering representing Murfreesboro City Schools, requesting a Special Use Permit to allow expansion of an existing Public School on property in the Single-Family Residential (RS-10) district located at 1753 South Rutherford Boulevard.

Mr. Anthony reviewed the application and the Staff comments contained in the BZA agenda package. Mr. Rountree with Huddleston-Steele was present to answer any questions.

Mr. Tipps recused himself from discussion and vote on this application as his wife is employed by Murfreesboro City Schools.

Mr. Ives asked if there was any parking being eliminated and if so, where it is location.

Mr. Anthony showed the existing parking and said they are pushing the loop out.

Ms. Mosby asked what school this is.

Mr. Rountree said Black Fox School.

Ms. King verified there is no issues with parking being in the front yard.

Mr. Anthony said no, not on this use.

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

Ms. King made a motion to approve a Special Use Permit to allow expansion of an existing Public School on property in the Single-Family Residential (RS-10) district located at 1753 South Rutherford Boulevard. The motion was seconded by Ms. Mosby and carried unanimously in favor.

The meeting adjourned at 2:18 P.M.

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CHAIRMAN SECRETARY

Regular Meeting Minutes of the Murfreesboro
Board of Zoning Appeals

July 27, 2016 – 1:00 P.M.
City Hall, Room 218

MEMBERS PRESENT
Julie King
Frances Mosby
Ken Halliburton, Vice-Chair
Davis Young, Chairman
Tim Tipps

MEMBERS ABSENT

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

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

New Business

Sign Variance Request

<u>Application S-16-046</u> by Ian Phillips of Everwood at the Avenue LLC, requesting a Variance from Section 25 ¼-24(A)(22) of the Murfreesboro Sign Ordinance, which prohibits a sign from being placed in or over a public utility or drainage easement, for property in the Mixed Use (MU) district located at 915 Robert Rose Drive.

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

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

Ms. Mosby made a motion to approve a Variance from Section 25 ¼-24(A)(22) of the Murfreesboro Sign Ordinance, which prohibits a sign from being placed in or over a public utility or drainage easement, for property in the Mixed Use (MU) district located at 915 Robert Rose Drive. The motion was seconded by Mr. Halliburton and carried unanimously in favor.

Variance Requests

<u>Application Z-16-047</u> 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.

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

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

Mr. Tipps made a motion to approve 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. The motion was seconded by Ms. Mosby.

Mr. Tipps said this application was long overdue.

The motion carried unanimously in favor.

<u>Application Z-16-048</u> 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:

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.

Mr. Anthony reviewed the application and the Staff comments contained in the BZA agenda package. Mr. Anthony said two motions were needed, one for each variance request. Mr. Sean Guth was present to answer questions.

Chairman Young verified that the fields to the north of Fairmont Drive already have lighting.

Mr. Anthony said yes.

Chairman Young added that the neighborhood is already dealing with lighting issues.

Mr. Anthony said yes. He said the illumination levels would only affect one house, which is located on a parcel to the west of this area.

Chairman Young asked for clarification regarding the row of trees located between the park and the neighboring residential parcel.

Mr. Anthony showed an aerial photograph and pointed out the existing tree row.

Mr. Tipps asked if the residents have been consulted about the plan.

Mr. Anthony did not know if the Parks and Recreation Department contacted the residents. He said the owner of the neighboring property called the Planning Department and expressed some concerns about the lighting height, illumination levels, and any noise that might be generated by night-time play.

Ms. King asked about the proximity of the house in relation to the proposed lighting location.

Mr. Anthony said the closest point looks to be around 400-500 feet.

Chairman Young asked if there were limitations on how long the fields can be used at night.

Mr. Anthony said times are not designated in the Zoning Ordinance. He said the Planning Department would be happy to work with the Parks and Recreation Department to ensure the lights are off at 11:00 P.M.

Mr. Seth Guth with Lose and Associates, Inc. came to the podium and thanked the Board for reviewing the application. Mr. Guth said their electrical engineer and the sports lighting engineers said the system would be operable and able to turn-on and turn-off at a moment's notice by the individuals controlling the system. Mr. Guth added the lighting was part of the original project at Siegel. He said there is existing infrastructure in place for the poles. Mr. Guth said the poles would be placed at the original locations and tied into the existing electrical on location. He said they plan to assist the Parks and Recreation Department to put the project out for bid. Mr. Guth said this would complete the overall plan for Siegel Park.

Chairman Young asked if the trees between the two parcels were the same or differing heights from the light poles.

Mr. Anthony said the trees are a mix and that some are mature but nowhere near 90-feet high. He said there is a lot of brush approximately 15-feet high. He said there isn't anything comparable to the actual lighting height.

Chairman Young asked if the foot-candle variance was at the property line.

Mr. Anthony said yes. He said the lighting would be below the maximum allowed illumination by the time the light reached the house next door.

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

Mr. Halliburton asked how late the players were allowed on the fields at night.

Ms. Angela Jackson, Assistant Director with Parks and Recreation Department, came to the podium and said 10:00 P.M. is the typical expectation to be finished. She said there are tournaments that could extend the time but that is not a common occurrence.

Mr. Halliburton asked if the lights would stay on while the people existed the field.

Ms. Jackson said yes, the lights would stay on for safety reasons. She said most games are complete by 10:00 P.M., but that is not an exact time.

Ms. King asked if the games ended earlier than 10:00 P.M. would the lights be turned off earlier.

Ms. Jackson said yes, adding the games typically do end before 10:00 P.M.

Mr. Tipps asked if the lighting would be for the fields only or would parking be included. He thought the illumination would be lower for parking areas.

Ms. Jackson said Mr. Anthony had the design that showed where the illumination points hit in the earlier presentation.

Mr. Anthony showed the photometric plan again.

Ms. King asked if there was existing lighting for the parking area as she could not determine from the drawings presented today.

Ms. Jackson was not sure but didn't think there was any existing lighting for the parking area.

Ms. King asked if this would be the only lighting for the fields and parking area.

Ms. Jackson said yes.

Mr. Anthony did not remember seeing any lights when he visited the site.

Ms. Jackson said she was not certain where the other lights were located.

Mr. Guth said there are existing lights along the road, but these requested lights would be specifically for the fields.

Ms. Mosby asked whether this location was currently used for soccer, and if so, are games played until it is dark.

Ms. Jackson said soccer is not played at this location but at other fields that are already lighted.

Mr. Tipps asked if the requested lights will be the same height as the existing lights located on the front of the property.

Mr. Guth said the new lights would vary between 5-10 feet from the existing lights due to the distance the lights have to throw over the field for coverage. He said lighting needs to be even across the fields to avoid any dark spots for play.

Ms. King asked if these poles would be a bit taller than the ones on the other side.

Mr. Guth said yes due to the light pole location in proximately to the fields that they are lighting.

Ms. Mosby said this is much needed as children need a place to play to keep them off the street.

Mr. Tipps asked if any residents on Fairmont Drive have given any push-back.

Ms. Jackson was not aware of anyone.

Ms. Mosby made a motion to approve 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. The motion was seconded by Mr. Tipps and carried unanimously in favor.

Ms. King made a motion to approve 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. The motion was seconded by Ms. Mosby and carried unanimously in favor.

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.

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

Mr. Halliburton asked if the 3-4 lots to the north of this site are all zoned Commercial Highway (CH).

Mr. Anthony said yes.

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

Mr. Halliburton made a motion to approve 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 s twenty-five (25) foot minimum rear yard setback, for property in the Multi-Family Residential (RM-16) district located at 1019 North Maple Street. The motion was seconded by Mr. Tipps and carried unanimously in favor.

Variance and Special Use Permit Requests

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:

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.

Mr. Anthony reviewed the application and the Staff comments contained in the BZA agenda package. Staff recommends the following conditions if the Board approves the Special Use Permit:

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.

Mr. Anthony said two motions were needed, one for each variance request.

Mr. Beiter was present to answer questions.

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

Mr. Tipps made a motion to approve a Special Use Permit to allow a Temporary Mobile Recycling Center in the CH district with the following 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' front setback requirement in the CH zoning district.
3) The special use permit shall be valid from August 1, 2016 thru July 31, 2017.

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

Mr. Tipps made a motion to approve 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. The motion was seconded by Ms. Mosby and carried unanimously in favor.

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

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.

Mr. Anthony reviewed the application and the Staff comments contained in the BZA agenda package. Staff recommends the following conditions if the Board approves the Special Use Permit:

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.

Mr. Anthony said three motions were needed, one for each variance request.

Mr. Beiter was present to answer questions.

Mr. Halliburton asked if this is the parcel Kroger is redeveloping.

Mr. Anthony said yes, a site plan for Kroger has been approved for this site.

Mr. Halliburton asked if this would change anything based upon the proposed parking aisles and landscaping Kroger will be putting in as part of that project.

Mr. Anthony said Goodwill was been given approval by the current shopping center management. He is assuming that if Kroger follows through on the redevelopment plans, Goodwill will need to renegotiate.

Mr. Tipps asked if the BZA has previously approved the third variance request.

Mr. Anthony said this variance has previously been approved for the past 8-9 years and refers to the houses across the street on Second Avenue.

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

Ms. Mosby made a motion to approve a Special Use Permit to allow a Temporary Mobile Recycling Center in the CH district with the following 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.**

The motion was seconded by Mr. Tipps and carried unanimously in favor.

Mr. Halliburton made a motion to approve 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. The motion was seconded by Ms. Mosby and carried unanimously in favor.

Mr. Tipps made a motion to approve 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. The motion was seconded by Ms. Mosby and carried unanimously in favor.

<u>Application Z-16-052</u> 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:

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.

Mr. Anthony reviewed the application and the Staff comments contained in the BZA agenda package. He said the Board will need to make two separate motions.

Mr. Rountree was present to answer questions.

Mr. Anthony asked the applicant to confirm that there is sufficient space along all public rights-of-way to install a 10-foot landscape strip. He said it was unclear whether this can be achieved on the side of the property adjoining the interstate right-of-way.

Mr. Rountree of Huddleston-Steele Engineering, Inc. came to the podium and referred to the pinch-point on the rear landscape strip. He said they will modify a 28-foot radius to allow for the landscape strip. He said there are service doors all around the sides of the building. He said the planting strip does not allow access doors so that is why they are requesting the 3-foot variance from foundation planting.

Chairman Young said this building is different. He said typically you would see a number of buildings in a spot, but this is just one building.

Mr. Rountree agreed and said the trend is heading toward climate-controlled storage which is what this 4-story storage building would be considered. He does not know exactly how the program works in terms of function but believes the external units can be accessed from the outside with a condition component on them. He said most of the units will be accessed internally. Mr. Rountree said he has already worked with Staff on one generation of the elevation. He said Staff was concerned about some of the presentation and the client has revised the plan to make it more palpable for City Staff.

Chairman Young verified it to be a 4-story building. He said he has not seen one and asked if there was an elevator to move the storage up.

Mr. Rountree said yes, adding this is where the trend is heading versus the big sprawling one-story buildings. He said most will have a percentage of conditioned storage, if not the majority of it being conditioned.

Ms. King asked if this would look similar to the one in Smyrna near the depot.

Mr. Rountree was not familiar with the building in Smyrna. He said this is an attractive building and the clients have done work all around the nation. The aesthetics are a big part of the client's concerns. He said they want to have an arbor on the front of the building and additional landscaping along the front to make it softer. Mr. Rountree said it looks more like a commercial office building than a mini-storage building.

Ms. King asked if there would be a landscape strip on the backside.

Mr. Rountree said yes.

Mr. Halliburton verified the variance request was made so landscaping would not be needed where there were access doors.

Mr. Rountree agreed.

Ms. King asked if there will be landscaping between the sidewalks and building.

Mr. Rountree said the client preferred to not have landscaping at those locations because of the many access points. He said the landscaping would be chopped-up everywhere if installed. He said they are requesting to add additional landscaping along the front to make it a nice presentation from John Rice Boulevard.

Mr. Halliburton asked if there would be a fence around the site.

Mr. Rountree said at this time they are not anticipating putting a fence around it. He said there are controlled access doors and it is an inward building versus what they are typically used to seeing.

Mr. Halliburton thought the reason for the landscape variance was to meet needs to the exterior on the base floor.

Mr. Rountree said their facility does not have fencing, which has a lot to do with the fact they don't have storage for boats and cars outside the units.

Ms. King asked what the truck rental property section on the plan was for.

Mr. Rountree said the area was used as a utility storage area in the past. He said the clients may want to one day expand their facility to have truck rentals.

Ms. King asked if the clients would fence it in.

Mr. Rountree said the client might fence the portion for storage of equipment.

Ms. King asked whether there would be a landscape buffer around the site.

Mr. Halliburton verified it was not shown on the site plan.

Mr. Rountree verified that Mr. Halliburton was referring to the landscaping.

Mr. Halliburton and Ms. King said yes, stating it was not reflected on the plans submitted.

Mr. Rountree asked if they were speaking of the area between the parking and the truck rental parking.

Mr. Halliburton said anywhere.

Mr. Rountree said all the buffers would be expected, adding it just was not in with the landscape plan.

Ms. Mosby asked if the client will have truck rental parking too.

Mr. Rountree said the client reflected the truck rental parking on the drawing for possible future plans. He said they are not currently in the market for the truck rental parking but would love to have the potential if they decided to. Mr. Rountree said the client would have to modify the site plan to include truck rental parking.

Ms. King asked if the property was being divided.

Mr. Rountree said yes.

Ms. King asked if they were still in the process.

Mr. Rountree said yes, adding they are working with City Staff to have joint access with the Texas Roadhouse and some connectivity between those two sites. He said they are trying to make sure the driveways line-up. He said Mr. Balachandran, City Traffic Engineer, wanted them to make sure they also line-up with the adjacent uses across the street. He said that is why their access points are pretty far apart.

Mr. Anthony said, from a Staff perspective, it is an awkward piece of property to work with.

Ms. King asked if there was a third piece of property between the Texas Roadhouse and this property. She asked if the property would be divided into three pieces.

Mr. Rountree said yes, adding it tapers down next-to-nothing on the western point and they were trying to figure out how to give them the maximum opportunity and still keep an out-parcel available for adequate development.

Ms. Mosby commented on how nice the building looked stating, "We are moving uptown."

Mr. Rountree agreed it is a unique, very nice looking building. He asked if the elevations were included in the BZA package.

Chairman Young said yes.

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

Mr. Tipps asked if the Special Use Permit would allow for the self-service storage as presented. He said from what Mr. Rountree said, this would all be internal opposed to external accesses. He asked if the applicant would be prohibited from changing the design to something else associated with self-storage.

Mr. Anthony said if the Board grants this Special Use Permit, they are granting a Special Use Permit for a self-storage facility which will run with the land for perpetuity. He was not sure this particular design could be "locked-in".

Chairman Young asked whether the client would be required to come back to the Board of Zoning Appeals if a second building were added to the site.

Mr. Anthony said yes.

Chairman Young asked Mr. Tipps if that cleared up what he was asking.

Mr. Tipps said not really.

Chairman Young said it is his understanding the applicants are required to come back to the Board of Zoning Appeals if there are significant changes to the proposed plans. He said if the client added the truck rental portion, they would be required to come back to the Board of Zoning Appeals.

Mr. Tipps said he was referring to this building plan.

Mr. Anthony said if it changed significantly from what was shown today, he will make sure it comes back to the Board of Zoning Appeals. He said if there is some minor architectural deviation that is not significant to what is passed today, then Staff would work with the applicant and it would not be required to come back to the Board of Zoning Appeals.

Mr. Halliburton verified the site plan will have to go before the Planning Commission as well.

Mr. Anthony said yes.

Mr. Halliburton asked if the Board of Zoning Appeals approved the self-service storage facility today would they also be approving the truck rental parking since it is on the same site plan.

Mr. Anthony said since it is showing on the site plan as a component of the site, this would be part of the approval.

Mr. Ives said he would interpret this as approving outside storage on the site. He doesn't know that it would be limited to truck rental but would not able to allow boats, RVs, or that sort of thing.

Chairman Young asked if they would be able to park on the grass.

Mr. Anthony said the City Zoning Ordinance does not allow parking on the grass as a hard, dustless surface is required for parking.

Mr. Ives said the parking area cannot be dirt, gravel, or grass.

Chairman Young asked if the outside paved spaces would be allowed for use.

Mr. Ives said yes.

Ms. King asked what is included in the definition of a self-service storage facility according to the City Zoning Ordinance. She wanted to know if it included external storage.

Mr. Anthony read the definition for the City Zoning Ordinance, *"A group of structures consisting of individual, small self-contained units that are leased or owned for the*

storage of business or household goods or supplies." Mr. Anthony said the definition does not get into internal versus external terms.

Mr. Anthony said there have been other internal self-storage facilities brought to the BZA. He said these are usually in conjunction to a larger development consisting of outdoor storage units.

Mr. Halliburton made a motion to approve the Special Use Permit to allow a self-service storage facility in the CH district.

Mr. Halliburton addressed Mr. Rountree and said it would have been nice to see the truck rental portion at the site plan review. He has reluctance in approving this because they have already talked about there not being a fence on this plan but assuming there will be a fence on the truck rental parking. He said the fence was not proposed on the site plan, nor is the buffer on the site plan. He said they need to see that at the site plan level so the BZA has a comfort level of what this site is going to ultimately look like even though you may not be required to do that. Mr. Halliburton said all the BZA is approving is a Special Use Permit, not knowing what you are proposing the site to look like, other than the building.

Mr. Tipps said it looks like it is incomplete.

Mr. Halliburton agreed.

Mr. Rountree suggested approval without allowing the storage portion as they will come back through site plan process anyway to add the storage. He said it was really more of an afterthought on the client to see if that would be something they could approve. Mr. Rountree said if the mini storage building were approved, the applicants would come back through the approval cycle if exterior storage, fencing, and/or buffering were deemed necessary.

Mr. Halliburton said he would like to include what Mr. Rountree said in his motion for the Special Use Permit.

Mr. Ives verified that Mr. Halliburton suggested approving the building for self-storage and not approving any outdoor vehicle / truck storage of any kind.

Mr. Halliburton said correct.

Mr. Tipps asked about the landscape buffering around the interstate side too but not shown in the plan.

Mr. Rountree agreed adding any development is going to require a buffer of some sort whether it is a perimeter yard or actually a buffer based on the adjacent use.

Ms. King verified there was no application today to vary from that.

Mr. Rountree said that was correct and the applicants were not asking for an exception on the buffer.

Ms. King said the BZA is a little spoiled when it comes to landscape plans. She said even though the BZA does not have anything to do with the landscape approvals, it is nice to see the plans that show the entire project.

Mr. Halliburton's motion to approve the Special Use Permit includes the following condition:

1) **Outdoor storage is not approved with this application.**

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

Mr. Halliburton made a motion to approve 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. The motion was seconded by Mr. Tipps and carried unanimously in favor.

Staff Reports and Other Business

None

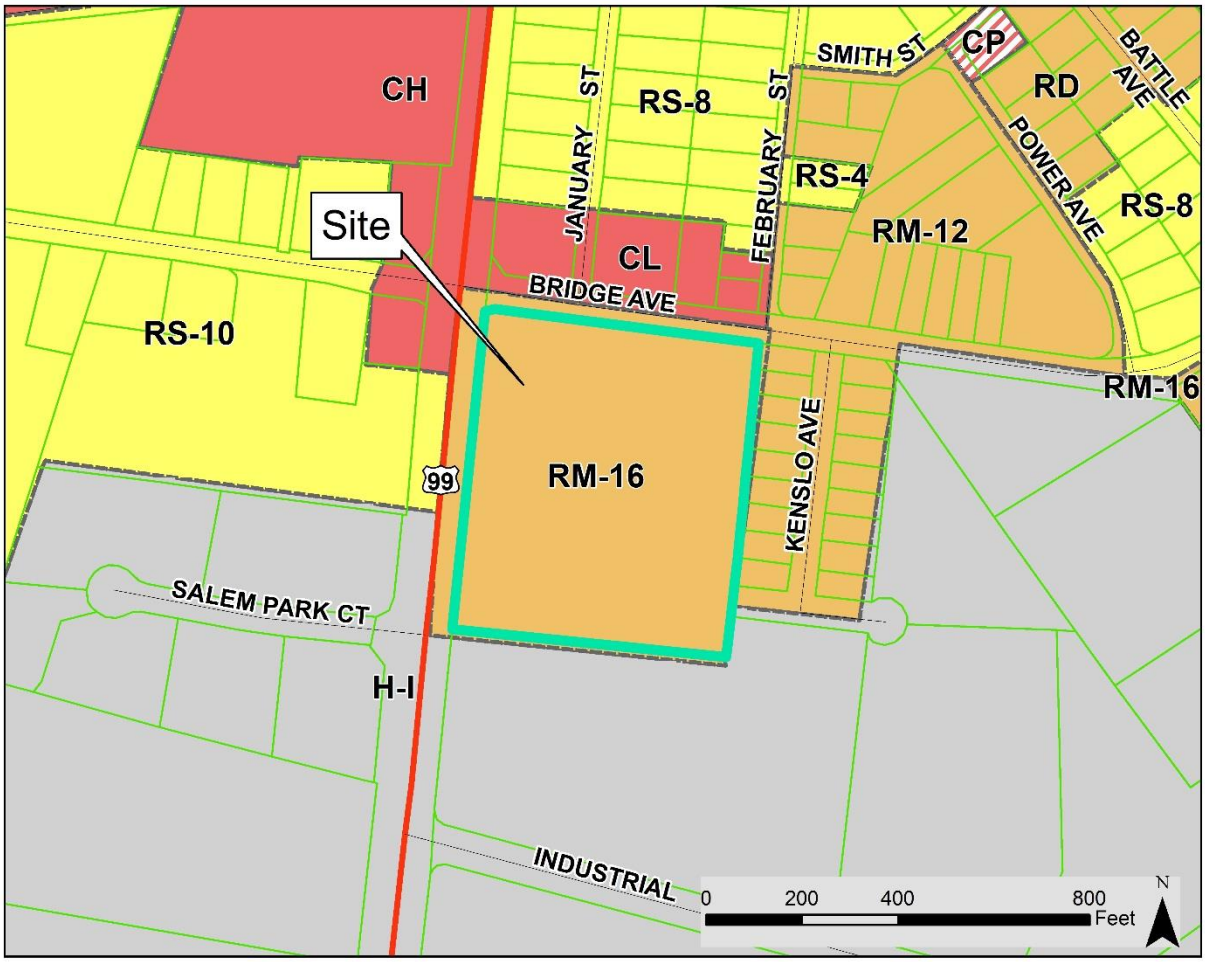
Meeting adjourned at 1:54 P.M.

_____ _____

CHAIRMAN SECRETARY

MURFREESBORO BOARD OF ZONING APPEALS
STAFF REPORT
AUGUST 24, 2016

Application: Z-16-053
Location: 701 Bridge Avenue
Applicant: Jim Crumley of the City of Murfreesboro
Zoning: Multi-Family Residential (RM-16) District
Requests:
1) A Special Use Permit to allow an Institutional Group Assembly Use (Public Building) on property in the RM-16 district; and
2) A thirty (30) foot Variance from Chart 2 (Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios) of the Murfreesboro Zoning Ordinance, which allows a maximum height of thirty-five (35) feet for structures in the RM-16 district



Request Overview

The City of Murfreesboro wishes to convert the former Franklin Heights residential housing complex at 701 Bridge Avenue into a public safety training facility. The subject property is an 8.9-acre parcel located at the southeast corner of the intersection of Bridge Avenue and New Salem Highway. The property has street frontage of approximately 575 linear feet along Bridge Avenue and approximately 670 linear feet along New Salem Highway. The proposed public safety training facility will be used by both the Murfreesboro Fire and Rescue Department and the Murfreesboro Police Department for training purposes.

The site plan submitted by the applicant indicates that five existing residential structures on the south side of the subject property will be converted into SWAT and fire training structures. The remaining residential structures will be demolished and replaced. Five new structures are proposed for the site: a main building with training room, a vehicle storage building, a five-story burn tower, an additional burn building, and a kitchen and restroom structure. Other outdoor facilities including a canine training course and driver training pad are proposed as well.

The subject property is zoned RM-16 and is surrounded by a mix of zoning districts. These include: Local Commercial (CL) on the north; CL, Single-Family Residential (RS-10), and Heavy Industrial (HI) on the west; HI on the south; and Multi-Family Residential (RM-12) on the east along Kenslo Avenue. Land uses are diverse as well. These include: automotive services, restaurant, and convenience market across Bridge Avenue on the north; bail bond business, vacant property, and light industry across New Salem Highway on the west; heavy industry south of the subject property; and small-lot (typical = 7,000 square feet), single-family residential to the east along Kenslo Avenue.

The applicant seeks a Special Use Permit for an Institutional Group Assembly Use (Public Building) to allow the public safety training facility in the RM-16 district. Additionally, the applicant seeks a 30-foot Variance from Chart 2 of the Murfreesboro Zoning Ordinance, which limits the height of nonresidential structures in the RM-16 district to 35 feet; the proposed burn tower would have a height of 65 feet.

Relevant Zoning Ordinance Sections

Section 9(D)(2)(zz):

> *Institutional group assembly uses, including recreational fields, public buildings, public or private schools grades K-12, lodges, country clubs, clubs, churches, and other places of worship, shall be subject to the following additional standards:*
>
> [1] Parking areas shall be designed and arranged so that backing from the site onto a public right-of-way will not be necessary and adequate space will be available for vehicles to turn around on-site. An on-site off-street area shall be provided for vehicles to load and unload passengers. Parking areas shall not be permitted in the required front yard;

[2] In all residential districts an institutional group assembly use shall have a lot size not less than three times the minimum lot size permitted in the zoning district where the institutional group assembly use is proposed to be located. In the event the institutional group assembly use is proposed to be located on land that has two or more different zoning classifications, the minimum lot size shall be calculated by applying the larger required minimum lot size;

Examples:

MINIMUM ZONING DISTRICT	MINIMUM LOT SIZE (SQ. FT.)	LOT SIZE ACRES	X 3	ACRES
RS-15	15,000	.34	45,000	1.03
RS-12	12,000	.28	36,000	.83
RS-10	10,000	.22	30,000	.69
RS-8	8,000	.18	24,000	.55
RS-4	4,000	.09	12,000	.28
R-D	8,000	.18	24,000	.55
R-MO	4,000	.09	12,000	.28;

[3] On-site lighting for parking areas, fields for athletics, scoreboards, and grounds shall be arranged in such a manner as to minimize intrusion of lighting into areas zoned or used for residential or medical purposes. To this end, a plan depicting the proposed location of on-site exterior lighting fixtures shall be submitted for review by staff and the BZA. Such plan shall depict the arrangement of the lighting fixtures, their height, their specifications, and the direction in which lighting will be oriented. Additional information may be required by the staff or the BZA in order to verify whether the lighting will be intrusive into areas zoned or used for residential or medical purposes;

[4] Applications for an institutional group assembly use shall indicate the proposed locations of garbage dumpsters or receptacles. These facilities shall be located in such a manner as to minimize adverse effects upon neighboring properties and aesthetics from the public right-of-way. The use of dumpsters may be prohibited in the event the BZA determines that such would have a detrimental effect upon the adjacent property;

[5] Areas for outdoor recreational use or outdoor group activities shall be screened or fenced in such a manner as to provide an effective buffer for adjacent uses. Screening shall be required pursuant to Section 27 of this article or as required by the BZA;

[6] The number of required parking spaces provided on-site shall be in accordance with Chart 4 of this article provided, however, if the applicant can present evidence satisfactory to the BZA that a substantial portion of the expected users will arrive at the institutional group assembly use by bus, bicycle, walking, or by car pooling or that off-street parking areas on adjacent or nearby properties will be available on a long term basis, the BZA shall have authority to determine the number of required parking spaces to be provided on-

site. The BZA may require that a reserve area be retained on-site for future expansions of the parking area;

[7] an application for a special use permit for an institutional group assembly use shall be accompanied by a description of uses or activities proposed for the facility which may be subject to separate regulation or which may result in unusual traffic patterns, traffic volumes, or other detrimental impacts upon adjacent properties, including but not necessarily limited to those uses which would require a special permit if not a part of the institutional group assembly use;

[8] the BZA shall have authority to approve an on-site location with water, sewer, and electric utility connections for accommodations for travel trailers or R.V.s (recreational vehicles) for use by visiting or traveling speakers or guests associated with the institutional group assembly use. Provided, however, such location for travel trailers or R.V.s shall not be permitted for use as a permanent residential dwelling unit;

[9] the BZA shall have the authority to grant variances to the standards imposed by this subsection for temporary or short term uses of property for the institutional group assembly use purposes. In such cases, the BZA may impose conditions of approval to assure the compatibility of the short-term land use with other property in the vicinity of the proposed use; and

[10] the application for a special use permit for an institutional group assembly use shall indicate any intentions for the use of systems for the external broadcast of speech, music, or other sounds. If such are proposed, the applicant shall indicate the times of day and duration of their proposed use. The BZA shall have the authority to place restrictions upon their use in order to minimize excessive noise from intruding upon neighboring properties, especially those zoned or used for residential purposes. In no event shall the BZA approve the use of such which would be in violation of the City Code or ordinances regulating noise. BZA approval does not constitute a waiver of any City Code or ordinances regulating noise.

Staff Comments

Special Use Permit Request

The attached site plan indicates that most of the proposed higher intensity uses are situated near New Salem Highway, away from existing residential properties. Two new outdoor facilities—a canine training area and drive testing pad—would be located in close proximity to residential properties on Kenslo Avenue. To help mitigate the effects of these outdoor facilities, the applicant proposes a 20-foot (Type E) landscape buffer with fence along the eastern property line. The 20-foot buffer is the broadest buffer that the Zoning Ordinance requires between land uses.

All of the proposed structures will be required to meet the minimum building setbacks for the RM-16 district. Along the Bridge Avenue and New Salem Highway frontages, the minimum required front setback is 30 feet; the site plan shows minimum front setbacks for the proposed buildings of 30 feet along both frontages. Along the southern property line, the minimum required side setback is 35 feet; the site plan shows a minimum side setback of 42 feet. Along the eastern property line, the minimum required rear setback is 25 feet; the site plan shows a minimum rear yard setback of 290 feet. (Note that the outdoor canine training facility and driver testing pad would not be subject to the minimum building setbacks.)

In the attached request letter, the applicant addresses each of the standards of general applicability listed in Section 9(C) of the Zoning Ordinance. Specifically, the applicant attests that the public safety training facility: will not have adverse impacts on the surroundings; will be compatible with the immediate vicinity; will be served adequately by existing infrastructure; and will not result in any damage to any natural, scenic, or historic feature.

Additionally, the applicant addresses the specific standards for Institutional Group Assembly Uses listed in Section 9(D)(2)(zz) and attests to the following: on-site, off-street parking will be available, and backing into public right-of-way will not be necessary; the site exceeds the minimum lot size requirements for Institutional Group Assembly Uses; any outdoor lighting will meet City standards; no commercial trash collection will be necessary; and outdoor working areas abutting residential areas will be screened with a 20-foot landscape buffer. Using the Government Office Building parking ratio of one space for every 250 square feet of floor area, 52 parking spaces will be required, and 81 spaces will be provided. The City anticipates no adverse traffic impacts in conjunction with this project. No outdoor sound systems are proposed.

Variance Request

In addition to the Special Use Permit, the applicant requests a 30-foot height Variance for the proposed five-story burn tower to be located near the southwest corner of the subject property. Chart 2 of the Zoning Ordinance limits the height of nonresidential structures in the RM-16 district to 35 feet. The proposed tower is 65 feet in height.

The attached request letter indicates that the tower will be used by both the Police and Fire and Rescue Departments. Staff notes that at present, the City has few areas where such a tower could be located by right. Further, the applicant has intentionally planned the placement of the proposed burn tower away from the existing houses on Kenslo Avenue in order to cause as little impact as possible on those properties.

Additional Information

The applicant will host a Neighborhood Meeting to discuss this project with local residents and other stakeholders at the McFadden Community Center at 211 Bridge Avenue on August 22, 2016, at 6:00 PM. Planning staff will attend, take notes, and report meeting outcomes to the BZA.

Assistant City Manager Jim Crumley and other project representatives will be in attendance to 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: 701 Bridge Avenue			
Tax Map: 102	Group: B	Parcel: 1.00	Zoning District: RM-16

Applicant: City of Murfreesboro/Jim Crumley	E-Mail: jcrumley@murfreesborotn.gov	
Address: 111 West Vine Street	Phone: 615-849-2629	
City: Murfreesboro	State: TN	Zip: 37133-1139

Property Owner: Murfreesboro Housing Authority		
Address: 415 N Maple St	Phone: (615) 893-9414	
City: Murfreesboro	State: TN	Zip: 37130

Request: We request a Special Use Permit to allow a Public Building and Institutional Group Assembly in the RM-16 zone.

Zoning District: RM-16

Applicant Signature: Mark Lee Date: 8/8/16

Received By:	Receipt No.: N/A
Application #:	

Murfreesboro Board of Zoning Appeals

City of MURFREESBORO TENNESSEE

HEARING APPLICATION AND GENERAL INFORMATION

City of Murfreesboro BOARD OF ZONING APPEALS	HEARING REQUEST APPLICATION

Location/Street Address: 701 Bridge Avenue			
Tax Map: 102	Group: B	Parcel: 1.00	Zoning District: RM-16

Applicant: City of Murfreesboro/Jim Crumley	E-Mail: jcrumley@murfreesborotn.gov	
Address: 111 West Vine Street	Phone: 615-849-2629	
City: Murfreesboro	State: TN	Zip: 37133-1139

Property Owner: Murfreesboro Housing Authority		
Address: 415 N Maple St	Phone: (615) 893-9414	
City: Murfreesboro	State: TN	Zip: 37130

Request: We request a Height Variance to allow a 65 foot high training tower where the RM-16 Zone limits the height to 35 feet.

Zoning District: RM-16

Applicant Signature: Mark Lee Date: 8/8/16

Received By:	Receipt No.: N/A
Application #:	

Murfreesboro Board of Zoning Appeals

City of MURFREESBORO TENNESSEE

HEARING APPLICATION AND GENERAL INFORMATION

Mr. Donald Anthony
City of Murfreesboro
111 West Vine Street
Murfreesboro, TN 37130

Date: August 8, 2016

RE: **City of Murfreesboro Public Safety Training Facility**
Board of Zoning Appeals (BZA)
Special Use Permit

Dear Donald,

Pursuant to Section 8-Procedure for Uses Requiring Special Permits and Section 9-Standards for Special Permit Uses of the City of Murfreesboro 2013 Zoning Code, accept the following information as the City's submittal package for the BZA Hearing Request Application.

Section 8 – Procedure for Uses Requiring Special Permits

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

City of Murfreesboro
Contact-Jim Crumley, Assistant City Manager
111 West Vine Street
Murfreesboro, TN 37133-1139

(B) Nature and extent of applicant's ownership interest in the subject property
The Murfreesboro Housing Authority is the property owner, but has accepted a letter of intent from the City of Murfreesboro to purchase the approximately 8.9-acre Franklin Heights Housing Complex in its entirety. The Murfreesboro Housing Authority and the City of Murfreesboro are awaiting approval of the disposition application from HUD to complete the sale of the property to the city. If the special use is granted, the City will utilize the entirety of the site for the Public Safety Training Facility.

(C) Site plan to be submitted for review by City Staff and the BZA
A preliminary site plan has been submitted with this application.

(D) Address of the site of the proposed special use
701 Bridge Avenue
Murfreesboro, TN 37129

(E) Vicinity Map showing the property of the proposed special use and all parcels within a five-hundred feet radius
A vicinity map is included with the application.

(F) Zoning Classification of property of the proposed special use
RM-16

(G) **The property of the proposed special use shall have the following characteristics:**
1. **Hours and days of operation**

Normal usage will be during business hours, Monday through Friday. There will be occasional usage on weekends and at night averaging ten times per month.

2. **Duration of the proposed special use**
   Permanent
3. **Number of expected patrons that will be expected to utilize the property of the proposed special use**
   Average of 25, with a maximum of 400.
4. **Projected traffic that will be expected to be generated by the proposed special use**
   On average, fewer than 75 trips per day, with peaks at 8:00 a.m., 12:00 p.m. and 4:00 p.m.

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

1. Noise from the driving track, distraction devices, sirens, etc. will primarily be limited to daylight hours but in all cases will not extend beyond 8 pm. Location of all practical training props and facilities has been set to ensure the least amount of noise or disruption to the residential areas surrounding the training center.

2. No lighting of parking lots or training areas in the facility will exceed the 0.5 foot-candles limit at the property lines.

3. A 20' buffer consisting of natural landscaping and fencing will be installed on all four sides of the facility except for areas where existing buildings will remain.

4. Trash service will be provided through Murfreesboro Solid Waste, with no need currently for commercial collection.

Section 9 – Standards for Special Permits Uses

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

1. that the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare.

The Public Safety Training Facility has been designed to have minimal impacts on the surrounding properties. Impact from traffic should be minimal and all parking is contained on site. MWSD has lines and hydrants on site but will also install reuse water lines from Old Fort Park to the site. MWSD currently has sanitary sewer on site. MED currently supplies electric power.

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

Location of all practical training props and facilities has been set to ensure the least amount of noise or disruption to the residential areas surrounding the training center.
The site will be secured and will have gated access. No lighting of parking lots in the facility will exceed the 0.5 foot-candles limits at the property lines. A 20' buffer consisting of natural landscaping and fencing will be installed on all four sides of the facility except for areas where

existing buildings will remain. Trash service will be provided through Murfreesboro Solid Waste, with no need currently for commercial collection.

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

The Public Safety Training Facility is located on the southeast corner of the intersection of Bridge Avenue and New Salem Highway. The current roadway is adequate to serve the expected additional use by the Public Safety Training Facility.

All parking for the facility are self-contained on the site and will be gated from public use.

Drainage for the site is also self-contained through the use of a large pond to be constructed in phase one of the project.

Solid Waste service will be provided through Murfreesboro Solid Waste, with no need currently for commercial collection.

Fire protection will be provided by the Murfreesboro Fire and Rescue Department's current facilities. Fire protection water supply will come from MWSD's reuse line.

Sanitary sewer service will be provided from existing MWSD lines that are on site.

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

A 20' buffer consisting of natural landscaping and fencing will be installed on all four sides of the facility except for areas where existing buildings will remain.

No other structures or features are known to be significant at this time.

5. **that the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use as an Institutional or public assembly uses, including recreational fields, public buildings, public or private schools, lodges, country clubs, churches and other places of worship, shall be subject to the following additional standards**
   1. **Parking areas shall be designed and arranged so that backing from the site onto a public right-of-way will not be necessary and adequate space will be available for vehicles to turn around on site. An onsite off-street area shall be provided for vehicles to load and unload passengers. Parking areas shall not be permitted in the required front yard.**

      As presented in the site plan, all parking is self-contained on site with adequate space for turning movements.

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

Minimum lot size in the RM-16 zone is 6,000 square feet. Three times that minimum lot size is 18,000 square feet or .413 acres. The proposed site is approximately 8.9 acres or greater than 21 times the required minimum.

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

   Any lighting on the site will be installed in such a manner to result in fewer than 0.5 foot-candles being present at the property lines abutting residences.

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

   Solid Waste service will be provided through Murfreesboro Solid Waste, with no need currently for commercial collection. No solid waste disposal containers will be visible from the public right-of-way.

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

   A 20' buffer consisting of natural landscaping and fencing will be installed on all four sides of the facility except for areas where existing buildings will remain.

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

   The City shall meet the required parking spaces.

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

   Description of uses and activities:

   Classroom based public safety training: The facility will have classrooms designed to accommodate up to 400 students and will include practical space for emergency medical skills procedure training.

   Practical based public safety training: The facility will host numerous practical scenario based activities involving but not limited to search and rescue, driving of vehicles and apparatus, firefighting, law enforcement, technical rescue, and simulated hazardous materials.

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

   Not applicable

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

No temporary or short term uses are proposed at this time.

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

No permanent or temporary uses of sound amplification are proposed at this time.

Your thorough consideration of the special use permit is much appreciated. Please contact me if any additional information is needed.

Sincerely,

James H. Crumley, CM

Assistant City Manager
City of Murfreesboro
111 West Vine Street
Murfreesboro, TN 37133-1139

Office (615) 849-2629
Fax (615) 849-2679
jcrumley@murfreesborotn.gov

Mr. Donald Anthony
City of Murfreesboro
111 West Vine Street
Murfreesboro, TN 37130

Date: August 8, 2016

RE: **City of Murfreesboro Public Safety Training Facility**
Board of Zoning Appeals (BZA) Special Use Permit
BZA Height Variance
Amendment to Previous BZA Height Variance

Dear Donald,

The City of Murfreesboro is requesting a height variance for the erection of a modular training tower as part of the special use permit for 701 Bridge Avenue. The tower is an integral part of the Public Safety Training Facility and would be used in a number of different manners by both Fire and Rescue and Police Departments.

The tower will greatly benefit the firefighters and police officers of Murfreesboro by giving them enhanced training in high level firefighting, use of ropes for rescue operations, repelling and other critical public safety activities.

Section 8 – Procedure for Uses Requiring Special Permits

(I) Name, address and telephone number of the applicant
City of Murfreesboro
Contact-Jim Crumley, Assistant City Manager
111 West Vine Street
Murfreesboro, TN 37133-1139

(J) Nature and extent of applicant's ownership interest in the subject property
The Murfreesboro Housing Authority is the property owner but has accepted a letter of intent from the City of Murfreesboro to purchase the approximately 8.9-acre Franklin Heights Housing Complex in its entirety. The Murfreesboro Housing Authority and the City of Murfreesboro are awaiting approval of the disposition application from HUD to complete the sale of the property to the city. The City will own the modular training tower.

(K) Site plan to be submitted for review by City Staff and the BZA
A preliminary site plan has been submitted with this application.

(L) Address of the site of the proposed special use
701 Bridge Avenue
Murfreesboro, TN 37129

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

A vicinity map is included with the application.

(N) Zoning Classification of property of the proposed special use

RM-16

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

1. **Hours and days of operation**
   Normal usage will be during business hours, Monday through Friday. There will be occasional usage on weekends and at night averaging ten times per month.
2. **Duration of the proposed special use**
   Permanent
3. **Number of expected patrons that will be expected to utilize the property of the proposed special use**
   Average of 20, with a maximum of 400.
4. **Projected traffic that will be expected to be generated by the proposed special use**
   On average, fewer than 15 trips per day, with peaks at 8:00 a.m., 12:00 p.m. and 4:00 p.m.

5. **Potentially harmful characteristics of the proposed special use for the zoning district in which it is proposed and the manner in which the applicant proposed to eliminate or minimize them**
   1. Location of all practical training props and facilities has been set to ensure the least amount of noise or disruption to the residential areas surrounding the training center.

   2. A 20' buffer consisting of natural landscaping and fencing will be installed on all four sides of the facility except for areas where existing buildings will remain.

   3. Trash service will be provided through Murfreesboro Solid Waste, with no need currently for commercial collection.

Section 9 – Standards for Special Permits Uses

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

1. that the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare.

The Public Safety Training Facility training tower has been designed to have minimal impacts on the surrounding properties. Impact from traffic should be minimal and all parking is contained on site. MWSD has lines and hydrants on site but will also reuse

water lines from Old Fort Park to the site. MWSD currently has sanitary sewer on site. MED currently supplies electric power.

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

Location of all practical training props and facilities has been set to ensure the least amount of noise or disruption to the residential areas surrounding the training center. The site will be secured and will have gated access. No lighting of parking lots in the facility will exceed the 0.5 foot-candles limits at the property lines. A 20' buffer consisting of natural landscaping and fencing will be installed on all four sides of the facility except for areas where existing buildings will remain. Trash service will be provided through Murfreesboro Solid Waste, with no need currently for commercial collection.

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

The Public Safety Training Facility is located on the southeast corner of the intersection of Bridge Avenue and New Salem Highway. The current roadway is adequate to serve the expected additional use by the Public Safety Training Facility.

All parking for the facility are self-contained on the site and will be gated from public use.

Drainage for the site is also self-contained through the use of a large pond to be constructed in phase one of the project.

Solid Waste service will be provided through Murfreesboro Solid Waste, with no need currently for commercial collection.

Fire protection will be provided by the Murfreesboro Fire and Rescue Department's current facilities. Fire protection water supply will come from MWSD's reuse line.

Sanitary sewer service will be provided from existing MWSD lines that are on site.

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

A 20' buffer consisting of natural landscaping and fencing will be installed on all four sides of the facility except for areas where existing buildings will remain.

No other structures or features are known to be significant at this time.

5. **that the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use as an Institutional or public assembly uses, including recreational fields, public buildings, public or private schools, lodges, country clubs, churches and other places of worship, shall be subject to the following additional standards**

   Not applicable

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

   As presented in the site plan, all parking is self-contained on site with adequate space for turning movements.

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

   Minimum lot size in the RM-16 zone is 6,000 square feet. Three times that minimum lot size is 18,000 square feet or .413 acres. The proposed site is approximately 8.9 acres or greater than 21 times the required minimum.

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

   Any lighting on the site will be installed in such a manner to result in fewer than 0.5 foot-candles being present at the property lines abutting residences.

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

   Solid Waste service will be provided through Murfreesboro Solid Waste, with no need currently for commercial collection. No solid waste disposal containers will be visible from the public right-of-way.

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

    A 20' buffer consisting of natural landscaping and fencing will be installed on all four sides of the facility except for areas where existing buildings will remain.

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

    The City shall meet the required parking spaces.

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

    No permanent or temporary or short term uses of sound application are proposed at this time.

Section 10 – Variances

1f. The City seeks a variance of thirty feet (30') from the thirty-five feet (35') height restriction pursuant to Chart 2 of the City of Murfreesboro Zoning code to erect a modular training tower up to sixty-five feet (65') tall on the subject property.

The tower will greatly benefit the firefighters and police officers of Murfreesboro by giving them enhanced training in high level firefighting, use of ropes for rescue operations, repelling and other critical public safety activities.

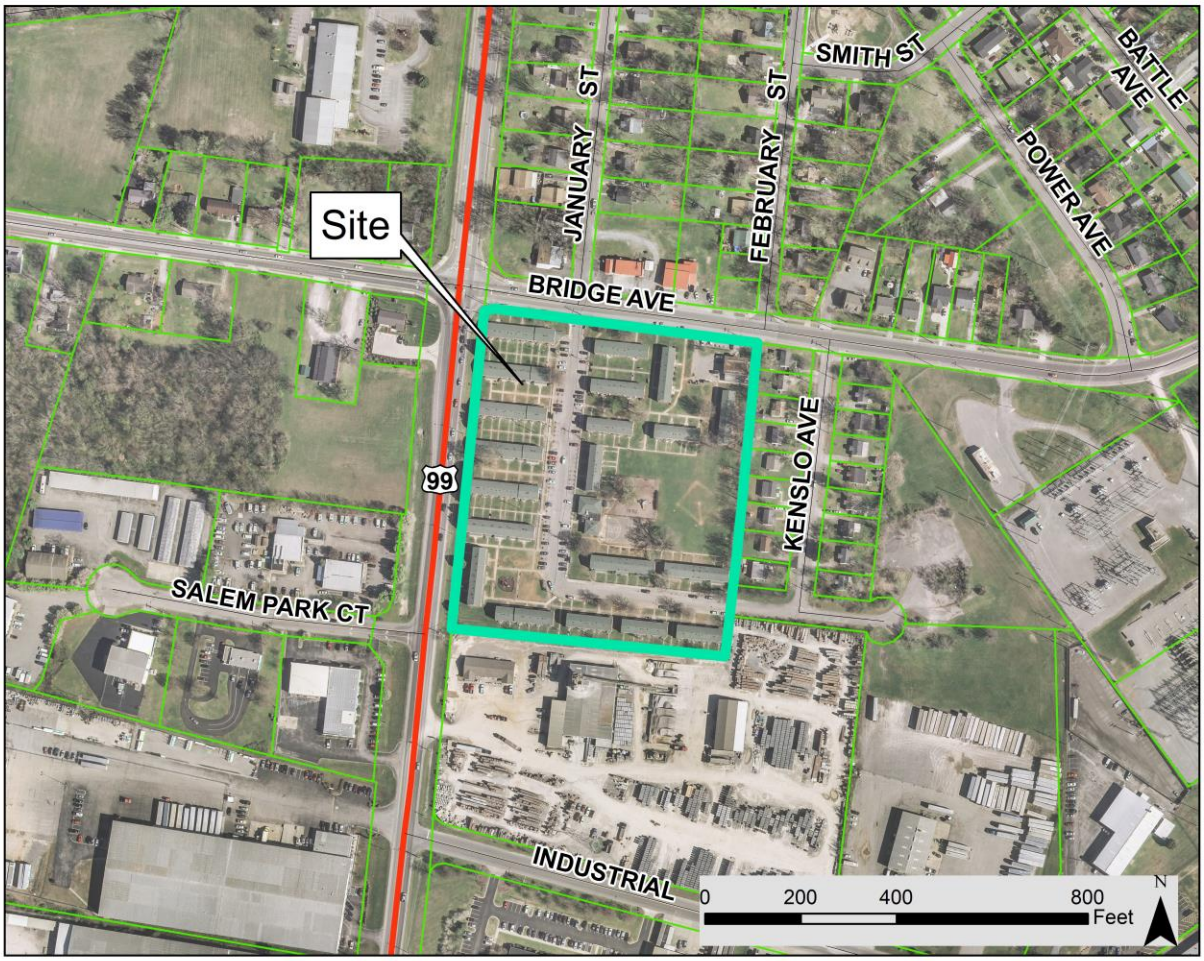
Your thorough consideration of the special use permit is much appreciated. Please contact me if any additional information is needed.

Sincerely,

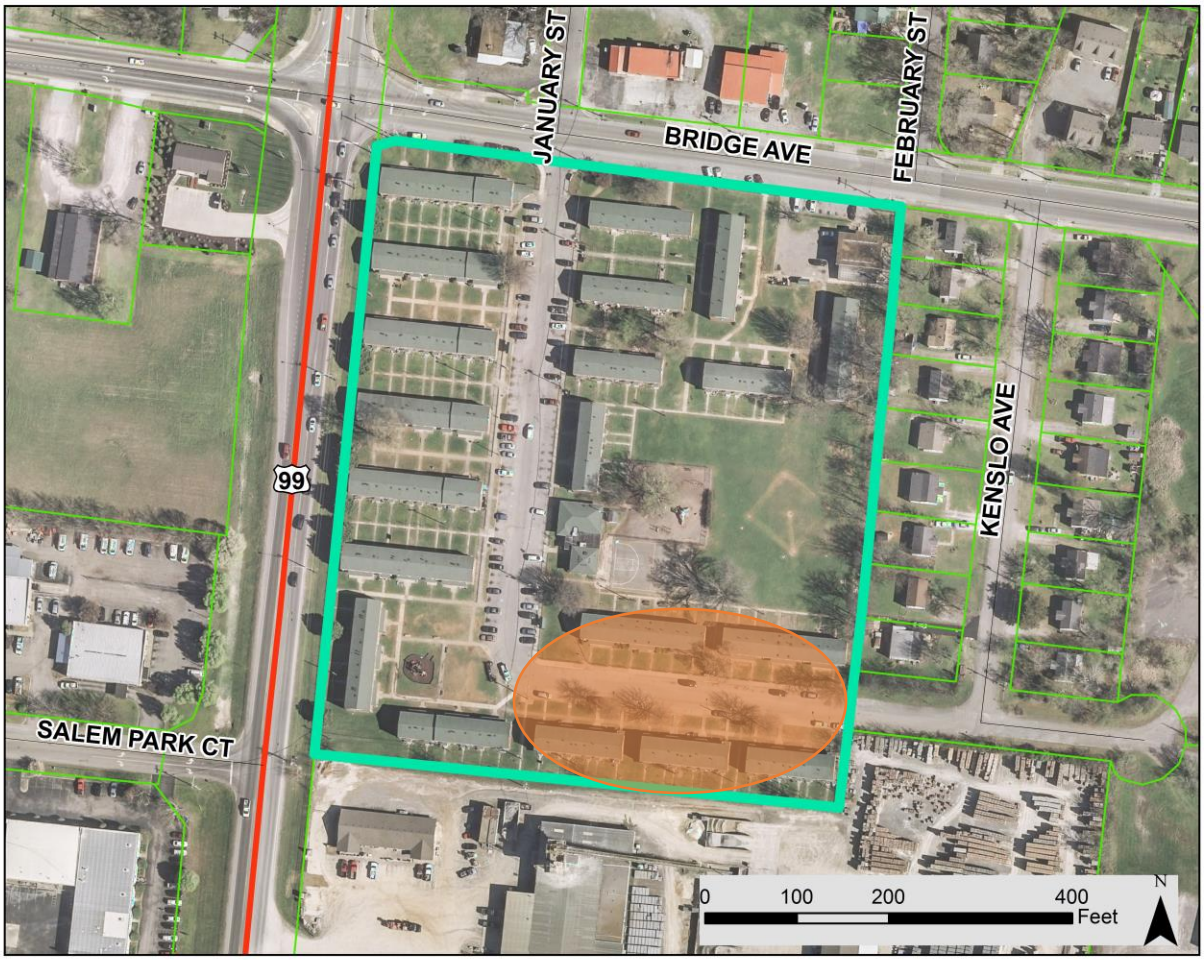
James H. Crumley, CM

Assistant City Manager
City of Murfreesboro
111 West Vine Street
Murfreesboro, TN 37133-1139

Office (615) 849-2629
Fax (615) 849-2679
jcrumley@murfreesborotn.gov



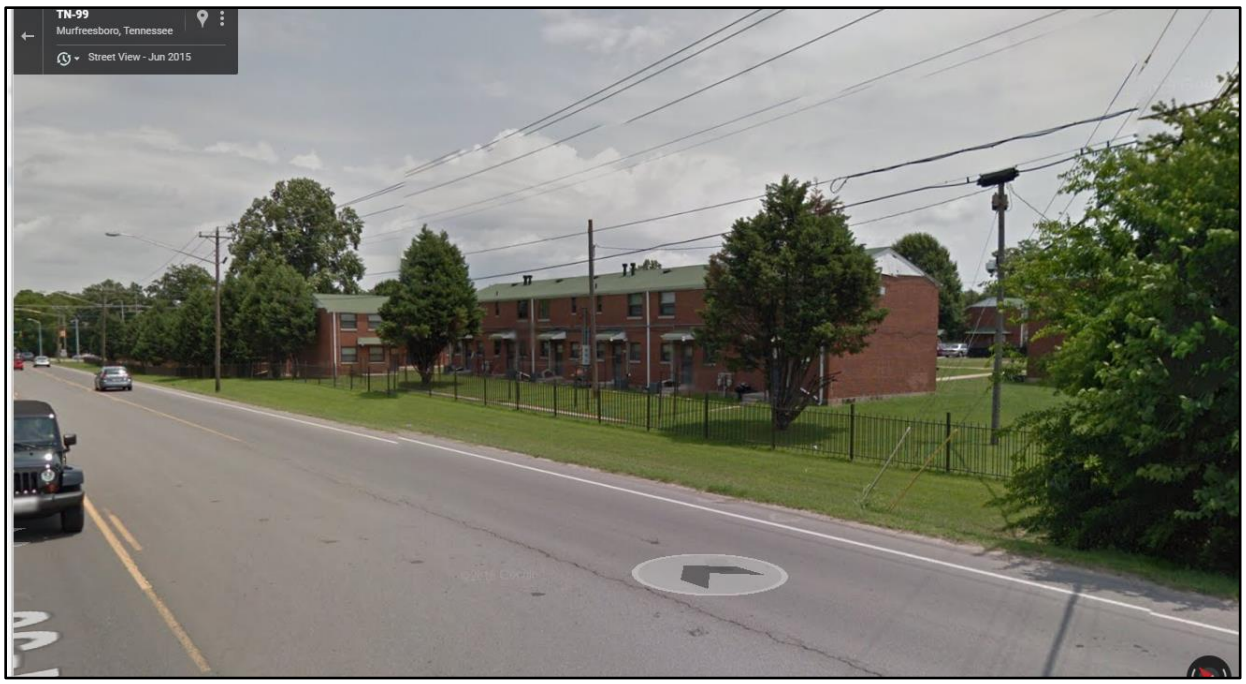
Aerial photo of 701 Bridge Avenue.



Aerial photo of 701 Bridge Avenue. The orange highlight indicates the existing buildings that will be preserved and reused as part of the proposed training facility.

View of Franklin Heights housing complex from intersection of Bridge Avenue and New Salem Highway looking southeast. Google StreetView.

View of Franklin Heights housing complex from Bridge Avenue looking westward. Google StreetView.



View of Franklin Heights housing complex from New Salem Highway looking to the northeast. The area shown in this photo is the approximate location of the proposed burn tower. Google StreetView.

City Of Murfreesboro
Public Safety Training Facility
Board Of Zoning Appeals (BZA)
Special Use Permit and Height Variance

Murfreesboro, Tennessee

BZA Special Use Permit Submittal

Drawing Index

Sheet No.	Title
1	Cover Sheet
2	Existing Conditions
3	Vicinity Map
4	BZA Exhibit

Site Location Map

Not To Scale

Property Owner:
Present - Murfreesboro Housing Authority
Future - City of Murfreesboro
Land Area:
8.9± Acres
Property Address:
701 Bridge Avenue
Murfreesboro, TN 37129
Zoning Classification:
RM-16

SPECIAL USE PERMIT REQUEST:

Variance Request for Proposed Use in RM-16 Zone:
1) Public Building in RM-16 Zone, and
2) Institutional Group Assembly in RM-16 Zone
Setbacks for RM-16 Zoning Classification:
Front: 30'
Side: 20' For 1 & 2-Story Structure + 5 Ft for each story over 2 (when perpendicular to side lot line)
25' for 1 & 2-Story Structure + 5 Ft for each story over 2 (When parallel to the side lot line)
Rear: 25'

HEIGHT VARIANCE REQUEST

Maximum Height Allowed: 35ft.
Proposed Height: 65 Ft.
Height Variance Request: 30 Ft.
Hours of Operation:
8am to 5pm, Monday through Friday with occasional usage on weekends and at night averaging ten times per month.
Duration of The Proposed Special Use:
Permanent
Number of Expected Patrons:
Average of 25, with a maximum of 400
Proposed Traffic:
On Average, fewer the 75 trips per day. Peaks at 8am, 12pm, and 4pm.
Site Lighting:
Parking lots and training areas will be lit.
Lighting will not exceed the 0.5 foot-candles limit at the property lines.
Landscape Buffer:
20' buffer consisting of plantings and fencing will be installed on all four sides of the facility except for areas where existing buildings will remain.
Trash Service:
Provided through Murfreesboro Solid Waste
Required Parking Spaces:
Required:(Heated Space) 2-Story Building (10,000 SF), Restroom/Kitchen Building (3,500 SF).
13,000 SF / 300 SF/Space = 45 Spaces
Provided: 81 Spaces + 4 HC Spaces. The Driver Training Pad will be used for large parking needs
Parking for the facility will be gated from public use.

SEC, Inc. SITE ENGINEERING CONSULTANTS
ENGINEERING • SURVEYING • LAND PLANNING

850 MIDDLE TENNESSEE BOULEVARD MURFREESBORO, TENNESSEE 37129
PHONE: (615) 890-7901 E-MAIL: MLEE@SEC-CIVIL.COM FAX: (615) 895-2567

NO PORTION OF THIS DRAWING MAY BE REPRODUCED WITHOUT THE EXPRESSED WRITTEN CONSENT OF S.E.C. INC.

By: Mark P. Lee Date: August 8, 2016

Mark P. Lee, P.E. TN. Reg. #19186

MARK P. LEE REGISTERED ENGINEER AGRICULTURE COMMERCE No. 19186 STATE OF TENNESSEE

Sheet 1 of 4
M'boro Public Safety
BZA
S.E.C. Project #
Submitted: 8-9-16
Revised:

Legend:

	EXIST. CONCRETE MONUMENT		BENCHMARK
	IRON PIN SET (I.P.S.)		HANDICAP PARKING SYMBOL
	IRON PIN FOUND (I.P.F.)	V.A.	VAN ACCESSIBLE HANDICAP DESIGNATION
	EXIST. SIGN POST		HC SIGN
	EXIST. SEWER CLEANOUT		PROPOSED SIGN POST
	EXIST. MANHOLE (SEWER & PHONE)		CONCRETE BOLLARD
	EXIST. CATCH BASIN (STORM SEWER)		WHEEL STOP
	EXIST. WATER/GAS VALVE		CONCRETE SIDEWALK
	EXIST. TELEPHONE RISER		EXTRUDED CURB
	EXIST. GAS RISER		CURB & GUTTER
	ELECTRICAL ENCLOSURE		TRAFFIC ARROW
	EXIST. WATER METER		TURN LANE ARROWS
	EXIST. UTILITY POLE		REVISION NUMBER
	EXIST. FIRE HYDRANT	#1	DRAINAGE STRUCTURE DESIGNATION
	POST INDICATOR VALVE	A	DRAINAGE PIPE DESIGNATION
	BLOW OFF VALVE		RIP RAP
	REDUCER		RUNOFF FLOW ARROW
	REMOTE FIRE DEPT. CONNECTION		INLET FILTER PROTECTION
	CONCRETE THRUST BLOCK	63.25 ×	PROPOSED SPOT ELEVATION
	DOUBLE DETECTOR CHECK VALVE	(63.25) ×	EXIST. SPOT ELEVATION
	FIRE DEPT. CONNECTION	>	SEWER/STORM FLOW DIRECTION
	FIRE HYDRANT		CATCH BASIN
	GATE VALVE & BOX		CURB INLET
W	WATER METER		AREA DRAIN
G	GAS METER		HEADWALL
	GREASE TRAP		WINGED HEADWALL
	EXTERIOR CLEANOUT ECO		CONCRETE SWALE
	MANHOLE		TYPE– X– HEADWALL
EXISTING PHONE	PH PH		
EXISTING ELECTRIC	OH		
PROPERTY LINE			
EASEMENTS			
RIGHT OF WAY	ROW		
EROSION CONTROL SILT FENCE	SF SF SF		
EROSION EEL	EEL EEL EEL EEL		
EXISTING TREELINE			
EXISTING FENCELINE	X X X		
MINIMUM BUILDING SETBACK LINE	MBSL MBSL		
PHASE BOUNDARY			
EXISTING GAS LINE	GAS GAS		
PROPOSED GAS LINE	GAS GAS		
EXISTING STORM	STM STM		
PROPOSED STORM	STM STM		
EXISTING CONTOUR LINES	601		
PROPOSED CONTOUR LINES	601		
EXISTING SANITARY SEWER	SS SS		
PROPOSED SANITARY SEWER	SS SS		
EXISTING WATER	W W W		
PROPOSED WATER	W W W		

Topographic Information Taken From City of Murfreesboro GIS.

SITE ENGINEERING CONSULTANTS
ENGINEERING SURVEYING LAND PLANNING
LANDSCAPE ARCHITECTURE
SEC, Inc.
850 MIDDLE TENNESSEE BOULEVARD
MURFREESBORO, TENNESSEE 37129
PHONE: (615) 890-7901 E-MAIL: MLEE@SEC-CIVIL.COM FAX: (615) 895-2567

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MARK P. LEE REGISTERED ENGINEER No. 101616 STATE OF TENNESSEE

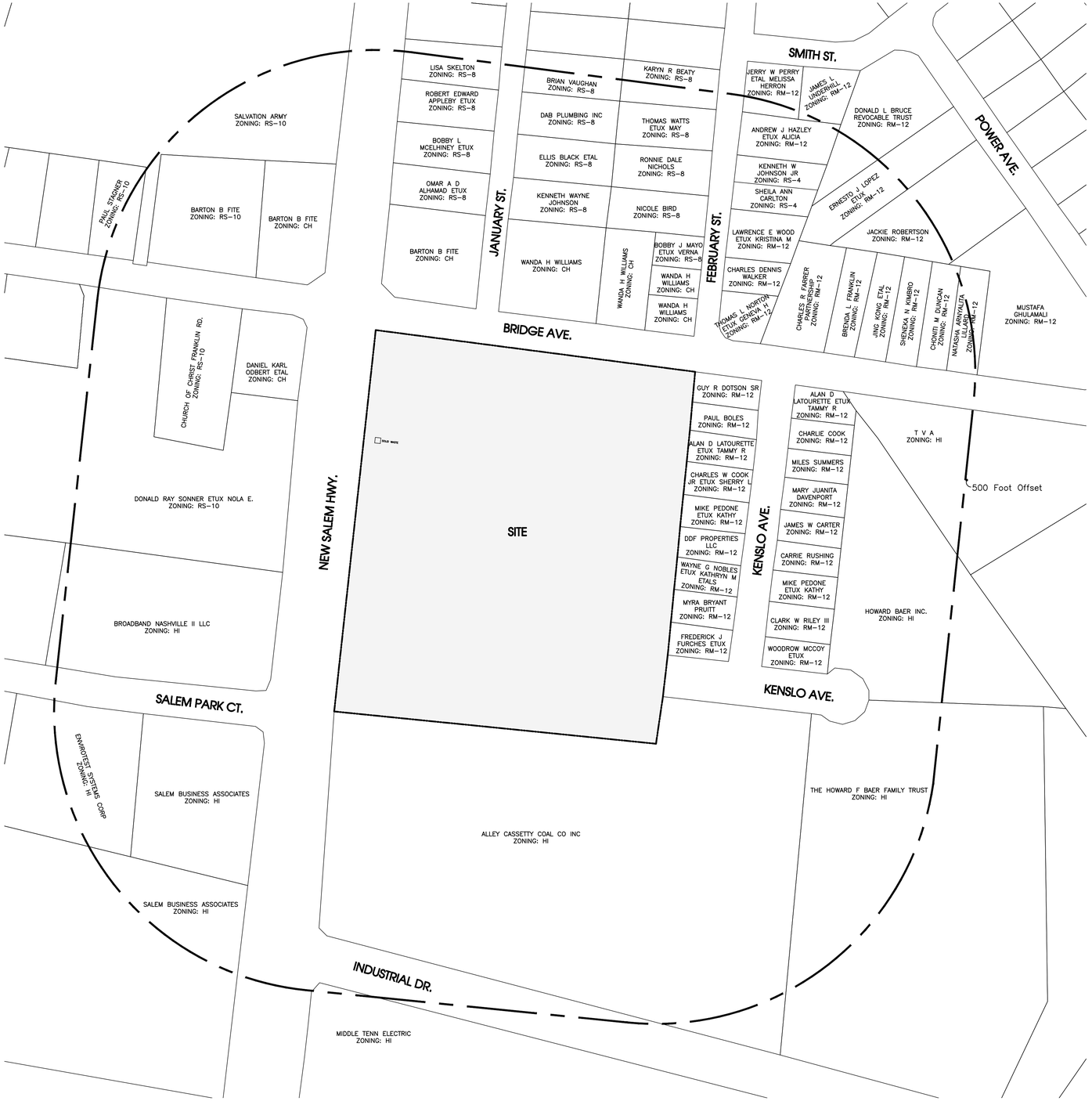
City of Murfreesboro
Public Safety Training Facility
Board of Zoning Appeals (BZA)
Special Use Permit and Height Variance
Murfreesboro, Tennessee

REVISED:

DRAWN: SJA
DATE: 8–9–16
CHECKED: MPL
FILE NAME: 15294bza.dwg
SCALE: 1"=40'
JOB NO. 15294

Existing Conditions

SHEET: 2 of 4



Legend:

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	BLOW OFF VALVE		RIP RAP
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	MANHOLE		TYPE– X– HEADWALL
EXISTING PHONE			
EXISTING ELECTRIC			
PROPERTY LINE			
EASEMENTS			
RIGHT OF WAY			
EROSION CONTROL SILT FENCE			
EROSION EEL			
EXISTING TREELINE			
EXISTING FENCELINE			
MINIMUM BUILDING SETBACK LINE			
PHASE BOUNDARY			
EXISTING GAS LINE			
PROPOSED GAS LINE			
EXISTING STORM			
PROPOSED STORM			
EXISTING CONTOUR LINES		601	
PROPOSED CONTOUR LINES		601	
EXISTING SANITARY SEWER			
PROPOSED SANITARY SEWER			
EXISTING WATER			
PROPOSED WATER			

N

-100′ 0 100′ 200′

SCALE: 1"= 100′

SITE ENGINEERING CONSULTANTS
ENGINEERING SURVEYING LANDSCAPE ARCHITECT LAND PLANNING
SEC, Inc.
850 MIDDLE TENNESSEE BOULEVARD
MURFREESBORO, TENNESSEE 37129
PHONE: (615) 890-7901 E-MAIL: MLEE@SEC-CIVIL.COM FAX: (615) 895-2567

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MARK P. LEE REGISTERED ENGINEER No. 101 STATE OF TENNESSEE

City of Murfreesboro
Public Safety Training Facility
Board of Zoning Appeals (BZA)
Special Use Permit and Height Variance
Murfreesboro, Tennessee

REVISED:

DRAWN: SJA

DATE: 8–9–16

CHECKED: MPL

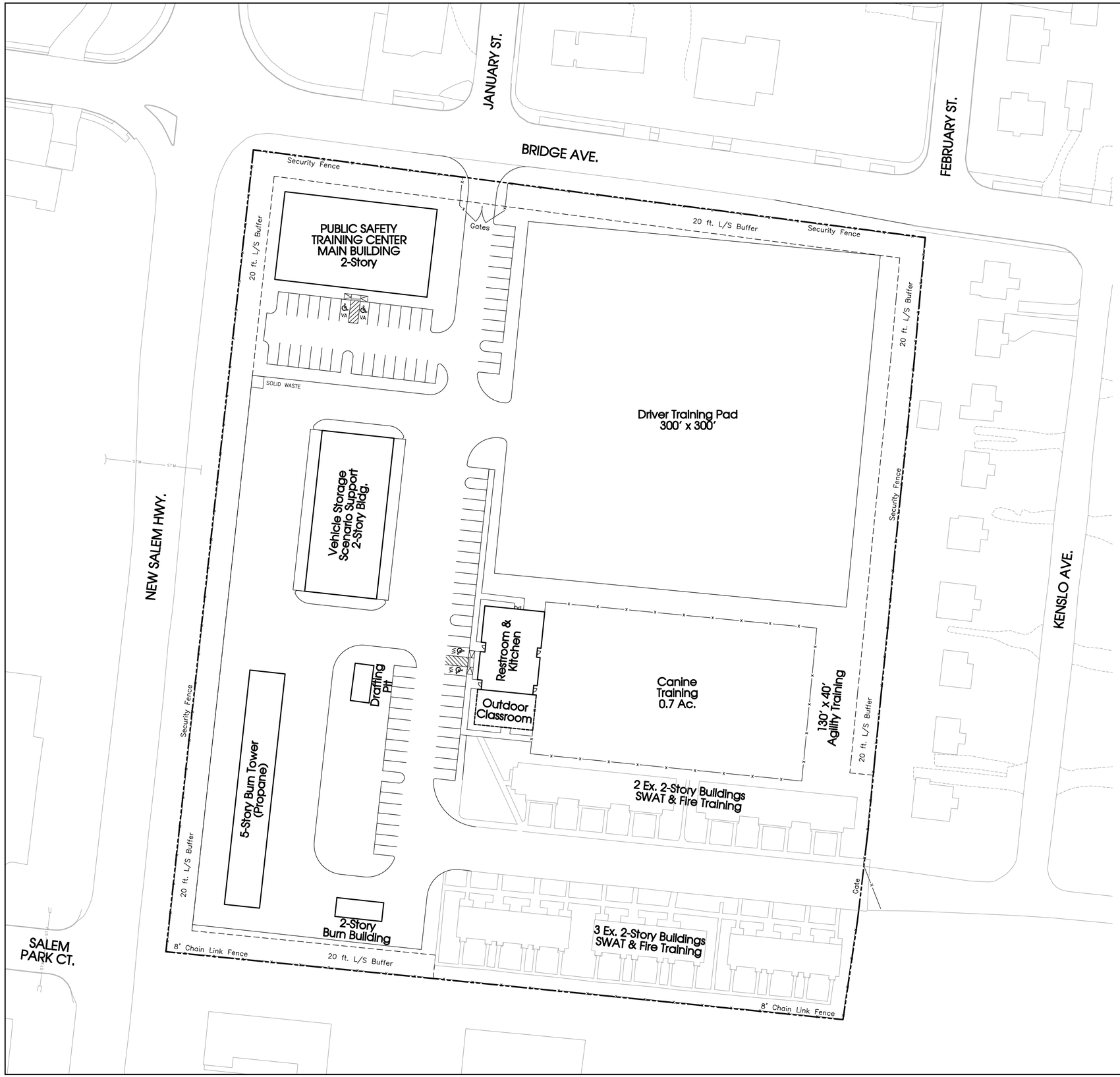
FILE NAME: bza.dwg

SCALE: 1"=100'

JOB NO.

Vicinity Map

SHEET: 3 of 4



Legend:

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EXISTING PHONE	PH PH		
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MARK P. LEDBETTER
REGISTERED ENGINEER
AGRICULTURE
NO. 112647
STATE OF TENNESSEE
8/16/16

City of Murfreesboro
Public Safety Training Facility
Board of Zoning Appeals (BZA)
Special Use Permit and Height Variance
Murfreesboro, Tennessee

BZA Exhibit

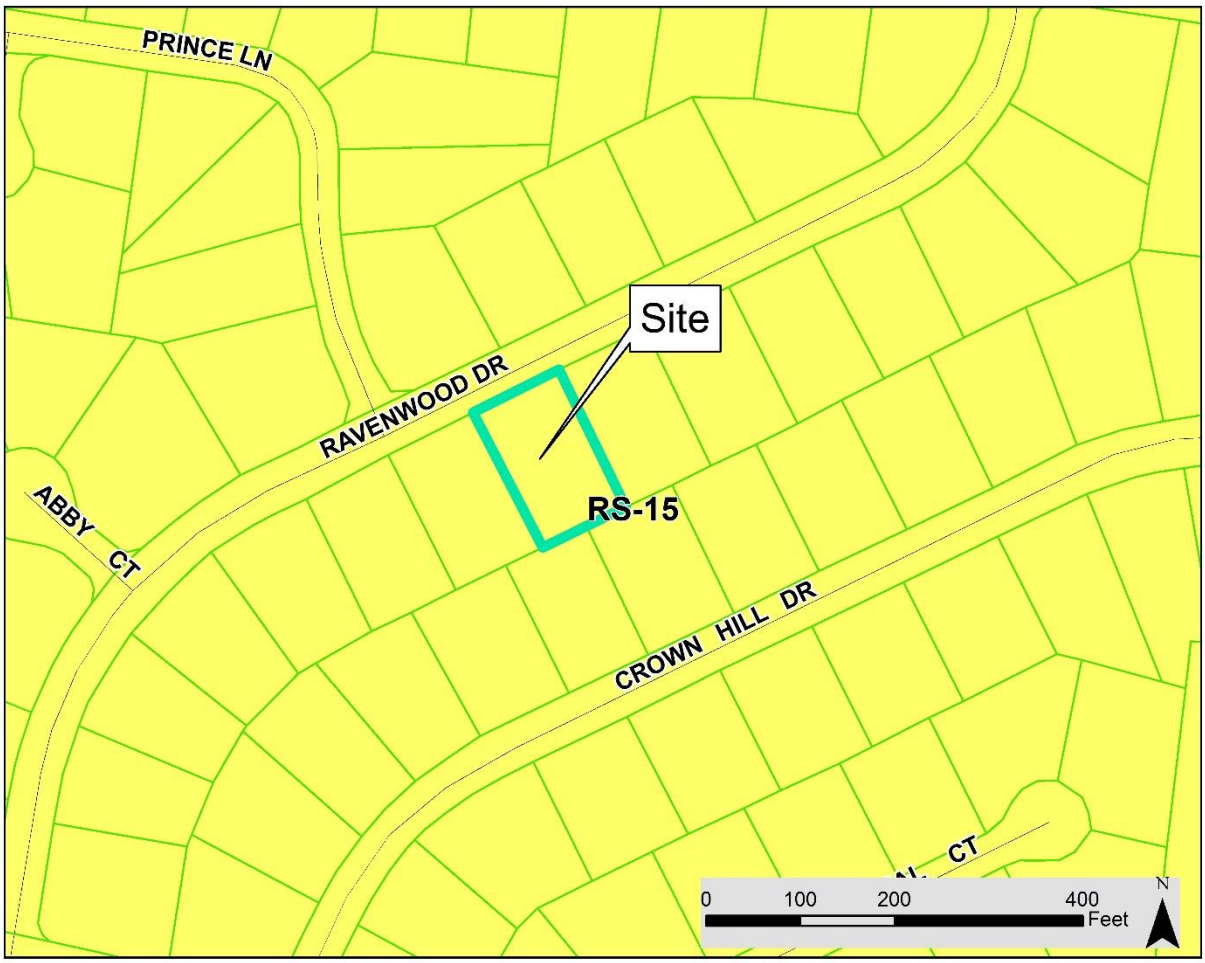
REVISED:
DRAWN: SJA
DATE: 8-9-16
CHECKED: MPL
FILE NAME: bza.dwg
SCALE: 1"=40'
JOB NO.

SHEET: 4 of 4

AUGUSTA
FIRE DEPARTMENT

MURFREESBORO BOARD OF ZONING APPEALS
STAFF REPORT
AUGUST 24, 2016

Application: Z-16-054
Location: 2410 Ravenwood Drive
Applicant: Monica Robertson
Zoning: Single-Family Residential (RS-15) District
Request: A Special Use Permit to allow a Home Occupation (Counseling Office) on property in the RS-15 district



Request Overview

Monica Robertson wishes to operate a Home Occupation (Counseling Office) in an existing house located at 2410 Ravenwood Drive in the Ravenwood Subdivision. The property is zoned RS-15. The subject property has a width of 100 feet and depth of 160 feet; the total area of the lot is 16,000 square feet. The applicant seeks a Special Use Permit to operate a Home Occupation (Counseling Office) on the subject property.

Relevant Zoning Ordinance Sections

Section 9(D)(2)(rr):

Home occupations shall be subject to the following additional standards:

[1] no person who is not a resident of the dwelling unit may be employed in connection with the home occupation at the dwelling unit or on the property;
[2] one attached business sign, not exceeding three square feet, may be permitted subject to approval by the BZA. Such signs shall not be permitted by right;
[3] there shall be no alteration of the residential building which changes the character as a dwelling. No display of products shall be visible from the street;
[4] the home occupation shall be incidental and subordinate to the residential use of the dwelling unit. No more than twenty-five percent (25%) of the area of a residential dwelling unit and accessory structure, if used as part of the home occupation, shall be devoted to the home occupation. In the event the home occupation is to be conducted totally from within an accessory structure, no more than five hundred square feet of area may be devoted to such home occupation. No more than one home occupation shall be permitted per residential dwelling unit and any related accessory structure;
[5] no mechanical or electrical equipment may be used in a residential dwelling unit or accessory structure in connection with a home occupation except such types as are customary for domestic, household, or hobby purposes; personal computers and facsimile machines may be used. Machinery that causes noise likely to be heard by neighbors or interference with radio or television reception shall be prohibited;
[6] there shall be no storage outside a principal building or accessory structure of equipment or materials used in connection with the home occupation;
[7] there shall be adequate provision for any traffic generated by such home occupation including off-street parking if required by the BZA;
[8] group instruction in connection with the home occupation may be permitted subject to approval by the BZA. For the purposes of this subsection, instruction shall be group instruction if it involves more than two students at any time. The BZA may place a maximum number of students that may be on-site at any time and may establish limitations on the frequency of such group instruction.

[9] the following activities and land uses shall not be permitted as home occupations:
[a] automotive repair (body or mechanical), upholstery or painting; [b] kennels;
[c] taxi service;
[d] gun dealers; or,
[e] charter bus service;

[10] the BZA may require additional standards in order to assure the compatibility of the home occupation with other property in the vicinity of the home occupation and to assure the residential character of the neighborhood is maintained.

Staff Comments

As noted in the attached request letter, the applicant initially intended to construct a new accessory structure on the rear (south) side of the property to house the Counseling Office. However, after reviewing the application and the plat for the Ravenwood Subdivision, staff determined that an existing 15-foot public utility and drainage easement along the south side of the applicant's property would prevent the applicant from constructing the accessory building to her desired specifications. After consulting with the applicant, staff revised the Special Use Permit request to exclude construction of a new accessory building. (See attached email from the applicant for documentation.)

In the attached request letter, the applicant addresses each of the standards of general applicability listed in Section 9(C) of the Zoning Ordinance. Specifically, the applicant attests that the Accessory Apartment: will not have adverse impacts on the surroundings; will be compatible with the immediate vicinity; will be served adequately by existing infrastructure; and will not result in any damage to any natural, scenic, or historic feature.

Additionally, the applicant addresses most of the specific standards for Home Occupations listed in Section 9(D)(2)(rr) of the Zoning Ordinance. Of particular note is Subsection 8, which grants the Board the authority to permit group instruction in conjunction with the Home Occupation. In the attached request letter, the applicant states that "counseling services may include group instruction." Staff visited the subject property to determine whether group instruction could be adequately supported, particularly with regard to access and parking. As shown in the attached photographs, the subject property includes both a loop in front of the existing house as well as a parking pad (approximately 1,300 square feet) on the southeast side of the house. Between these two parking areas, it appears that approximately nine vehicles can be accommodated on the site. Note that Chart 4 of the Zoning Ordinance requires single-family dwellings to have four parking spaces.

If the Board approves the Special Use Permit, the Board should determine whether group instruction is to be allowed as well. Further, if the Board approves group instruction, it should also consider whether limitations on number of participants and hours of operation are appropriate.

The applicant will be in attendance to 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: 2410 Ravenwood Dr. M'boro TN 37129			
Tax Map: 069N	Group: B	Parcel: 12.00	Zoning District: RS-15

Applicant: Monica Robertson	E-Mail: mrobertson7@aol.com	
Address: 2410 Ravenwood Dr.	Phone: 615-293-2408	
City: Murfreesboro	State: TN	Zip: 37129

Property Owner: C. J. Lambert		
Address: 2410 Ravenwood Drive	Phone: 615-895-1052	
City: 2410 Ravenwood Dr. M'boro	State: TN	Zip: 37129

Request: Continued Use of home & property for non-profit Pastoral Counseling Services / Special Use Permit

Zoning District: RS-15

Applicant Signature: Monica Robertson Date: 8/08/16

Received By: B. Davis	Receipt No.: 22755
Application #:	Date: 8-5-16

Murfreesboro Board of Zoning Appeals

City of MURFREESBORO TENNESSEE

HEARING APPLICATION AND GENERAL INFORMATION

August 8, 2016

To: Murfreesboro Board of Zoning Appeal

From: Monica Robertson & C J Lambert, 2410 Ravenwood Drive, Murfreesboro, Tennessee 37129

Re: Application for special permit for residential business & building permit for accessory building

Dear Board Members,

A) Initial Request for Special Use Permit & Building Permit

I have been a resident, along with my husband and parents at 2410 Ravenwood Drive in Murfreesboro since the year 2000. I am requesting a special permit to operate my business, which combines pastoral counseling and bodywork for stress management and wellness. It is called The WAYStation, Inc., and I want to expand what I have already been doing part-time at our current residential location. I would have already applied, but when my attorney phoned the city, they suggested that we did not need any additional license or permit to operate a non-profit out of the home. My registered certification with the Tennessee Board of Health does not require me to work in a retail location, but allows me to work out of my home, pending your approval of course. CJ Lambert, also a resident, and my father who has been a builder for many years and the owner of our home, is also applying for a building permit to construct a stick-built studio (15 x 30, 450 square feet) in the back yard behind our home (see plot picture attached to application.)

B) Purpose of my request to work at home

The purpose of my request is specific to my current and future responsibilities that are above and beyond my business. At present, I assist my husband, who is a local pastor and on disability. I am also the power-of-attorney and caregiver for a disabled Kenyan woman and her daughter, who live within 2 miles of our home. So, besides owning and operating the business/ministry, I assist the above family members and foster family members, as well as the upkeep of the two homes, additional finances, healthcare, etc. I am educated and appropriately licensed and certified to do what I am requesting a special use permit to do and I need to contribute to the family income, without adding additional overhead or upkeep of an office or retail location in the city. When I considered operating my business/ministry in town, after much thought, prayer, and additional counsel from other leaders in town, it seemed wiser to conduct the business/ministry at home where I can work around my business schedule care for the needs of the home and family/foster family members.

C) Compliance with city codes

- The stick building will be constructed for the business and will be subordinate to the dwelling unit. It will match the roof pitch of the house and it will have a compatible exterior, in compliance with city ordinance. The addition of this building will comply with the limitation of

not more than 500 square feet of space in an accessory structure. The addition of this building will also not exceed the 25% footprint limitation of buildings on a residential property (see figures below)

3,368 square feet = current structures on property including home and exterior garage
450 square feet - 15 x 30 sq ft proposed accessory structure
3,818 square feet = total square feet of structures on property after approval for new structure

4,043 square feet = 25% footprint of our property
3,818 total square feet of buildings after approval of new accessory structure
225 spare square footage in 25% limit

- There is currently no signage, but once approved, I will add a sign of no more than three square feet, according to the codes recommendation. There shall also be no display of products visible from the street. The new structure will be in the back of the house.
- No mechanical or electrical equipment outside of a computer, printer, heated massage table, and various small accessory appliances, such as a heated foot bath and an ionic foot bath, will be used in the new structure. None of these appliances make noise that can be heard outside of the structure.
- There will be no storage outside of the principal building or accessory structure of equipment or materials used in connection with the home occupation. All equipment and materials will be in use inside the accessory structure.
- Currently, our property has plenty of pavement besides the driveway, both in back of the house, as well as a circular driveway in front of the house. This is plenty for the number of family members and clients that will come for services at any given time, even if we should have need of parking in front of the house.
- Counseling services may include group instruction. As local pastors, we also offer hospitality as do others in our neighborhood. Once a week, you can see that a few of our neighbors host small groups and have several cars parked in front of and down the street from their homes. As long as we have lived here, which is sixteen years now, no one seems to mind.
- The home occupation will be specifically for spiritual health: pastoral counseling, mental/emotional health: biblical counseling, prayer, counseling tools, and physical wellness: reflexology and associated bodywork, and wellness education. The WAYStation, Inc. was created to increase wellness in our community: spirit, soul, and body. The home occupation will not include automotive repair, kennels, taxi service, gun dealership, or bus charter service.
- We welcome any additional standards given by the BZA in order for the new structure to comply with the residential character of the neighborhood.
- The proposed new accessory structure will not have any substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare.
- The proposed accessory structure or use will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations.

- The proposed accessory structure or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers. We will gladly provide adequately for such services as necessary.
- The proposed accessory structure or use will not result in the destruction, loss, or damage or any feature determined by the BZA to be of significant natural, scenic, or historic importance. In fact, the remaining yard of our residence will be beautifully manicured, as is our front yard space, for the purpose of quiet reflection by visiting clients, future grandchildren, and family outings. It will further enhance the beauty surrounding our adjoining neighbors.
- The proposed accessory structure or use will comply with any additional standards imposed on it by the particular provision of the BZA authorizing such use.

If you have any further questions in regard to our request, we are glad to answer them at any time, and will be prepared to do so in the meeting scheduled for August 24, 2016 at 1:00 pm.

Sincerely,

Monica Robertson, Ph.D.
Director, The WAYStation, Inc.
2410 Ravenwood Drive
Murfreesboro, TN 37129

C. J. Lambert
2410 Ravenwood Drive
Murfreesboro, TN 37129

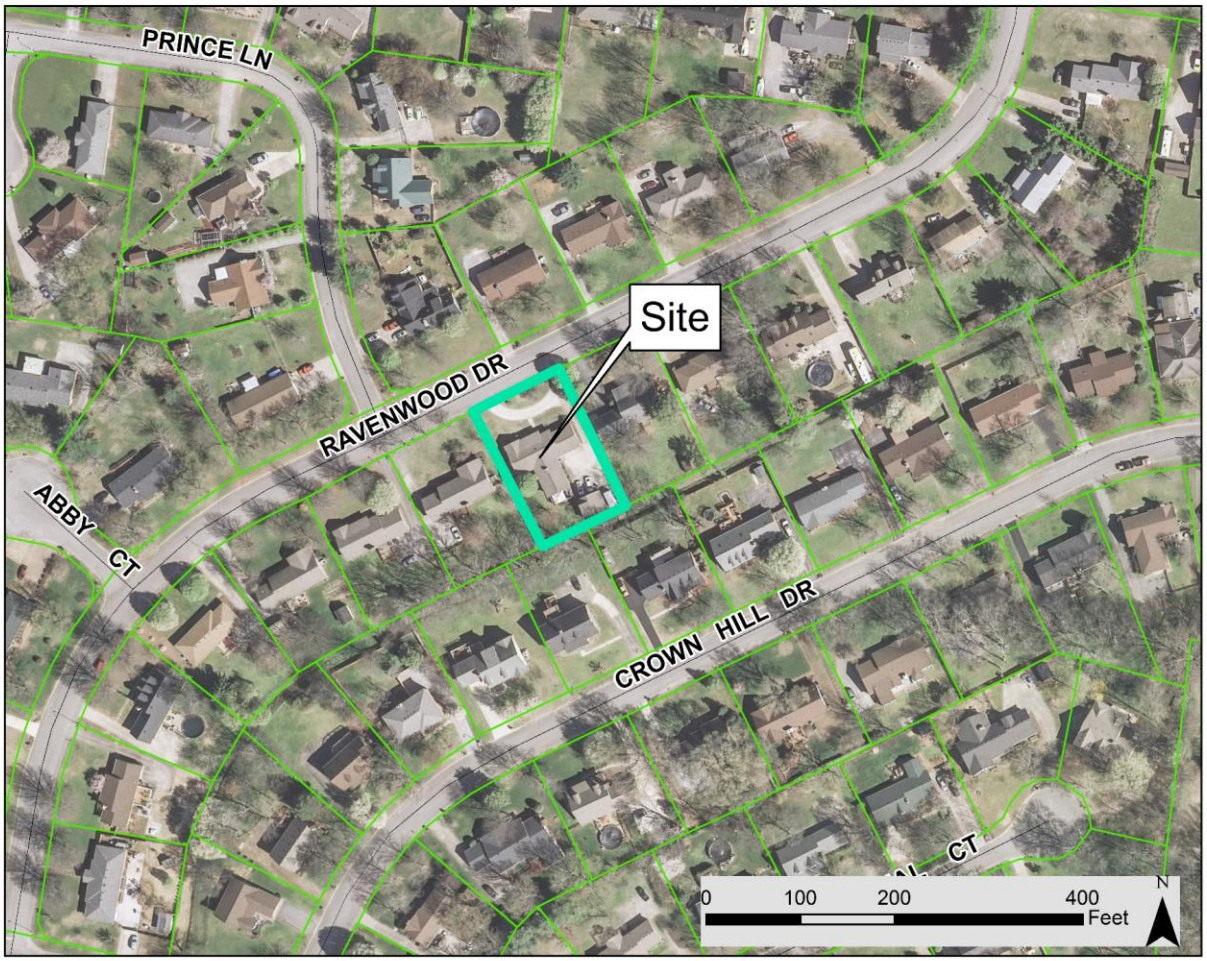
Donald Anthony

From: mrobertson7@aol.com
Sent: Wednesday, August 10, 2016 10:24 AM
To: Donald Anthony
Subject: Lambert-Robertson Residential Business Special Permit Request

Hello again Mr. Anthony,

After our conversation this morning, I sat for a bit and thought of approaching the city engineers and council about changing the easement all the way out to its possible ending. After looking at all of the possible detours and outcomes, I decided its better to remain focused on my business and the initial request to continue using our home as my location of business/ministry until my circumstances, perhaps, change and leave good enough alone. Just wanted to let you know. Thanks again for your kind assistance.

Blessings,
Monica Robertson
2410 Ravenwood Drive
Murfreesboro, TN 37129



Aerial photo of 2410 Ravenwood Drive.

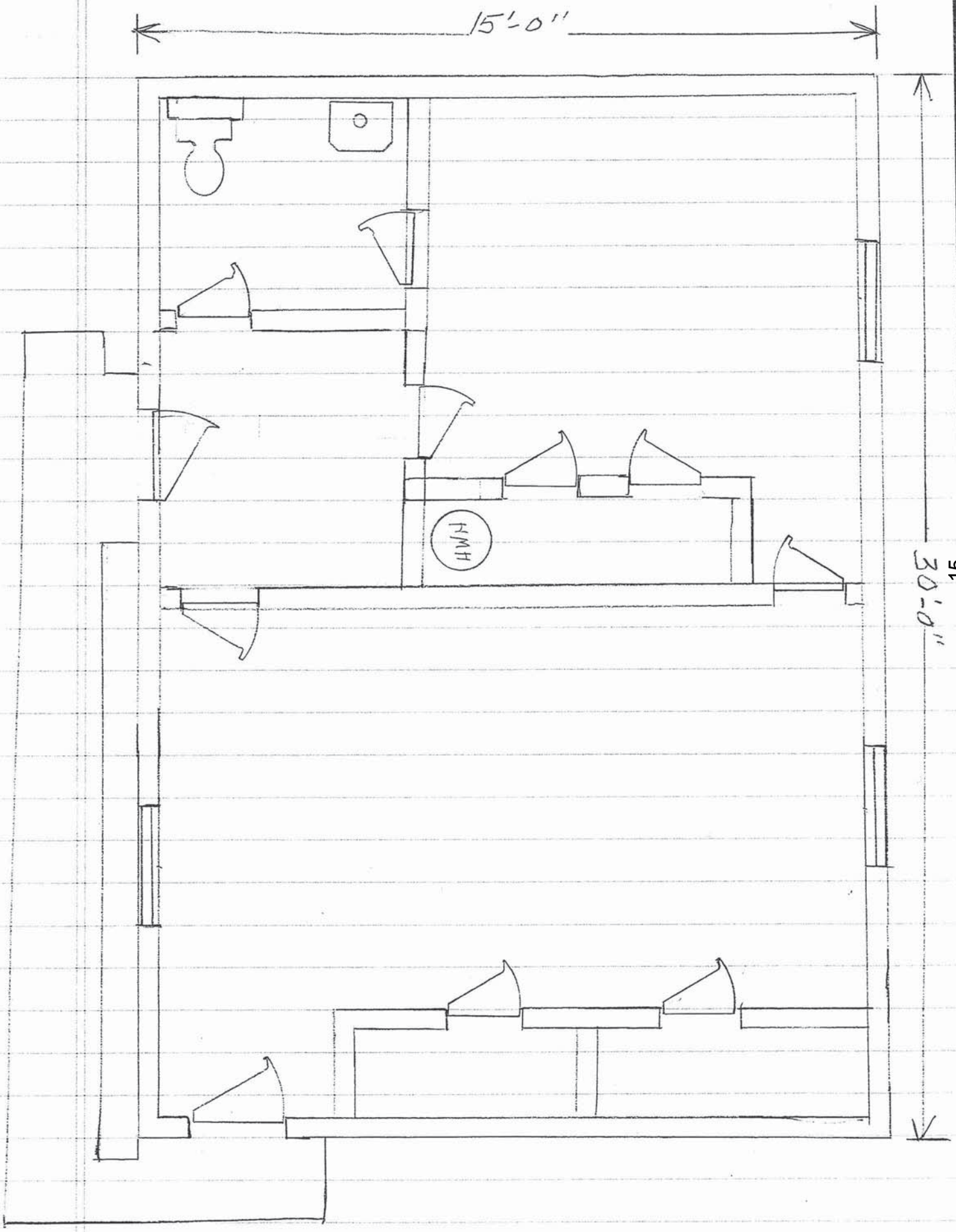
Aerial photo of 2410 Ravenwood Drive.

Photo of front façade of house and loop driveway at 2410 Ravenwood Drive.

Photo of subject property at 2410 Ravenwood Drive and neighboring house to the east. The driveway leading to the applicant's second parking area is visible between the two houses.

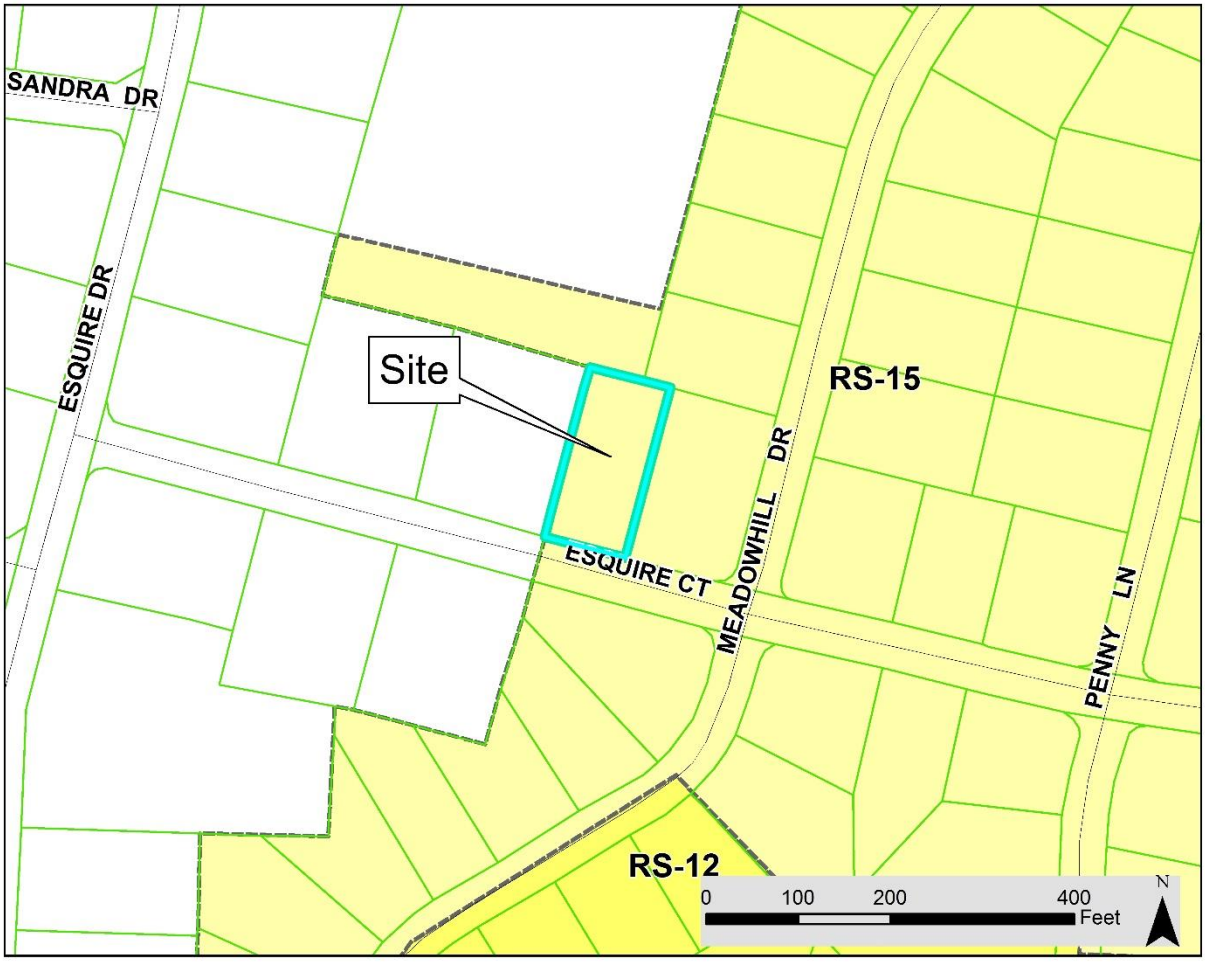
RAVENWOOD DR
9'
30'
15'
10'
0
15
30
60
Feet

PORTABLE BLDG.



MURFREESBORO BOARD OF ZONING APPEALS
STAFF REPORT
AUGUST 24, 2016

Application: Z-16-055
Location: 951 Esquire Court
Applicant: Sharon White
Zoning: Single-Family Residential (RS-15) District
Request: A Special Use Permit to allow an Accessory Apartment on property in the RS-15 district



Request Overview

Sharon White wishes to construct an Accessory Apartment behind her existing house located at 951 Esquire Court in the Meadowood Subdivision. The property is zoned RS-15 and lies adjacent to other RS-15 zoned properties on the north, south, and east. The adjacent property to the west is located in the unincorporated County, where it is zoned Medium Density Residential (RM). The subject property has a width of 90 feet, a depth of 190 feet, and a total area of 17,100 square feet. The applicant seeks a Special Use Permit to allow an Accessory Apartment on the subject property.

Relevant Zoning Ordinance Sections

Section 9(D)(2)(a):

Accessory apartments shall be subject to the following standards:

[1] only one accessory apartment shall be allowed upon a lot zoned for single family purposes;

[2] except for bona fide temporary absences, the owner(s) of the residence or lot upon or in which the accessory unit is created shall occupy at least one of the dwelling units on the premises and members of the family or their invited guests shall occupy the other dwelling unit. In no event shall either of the units be used as a rental unit to non-family members;

[3] the accessory apartment shall be designed so that to the degree reasonably feasible, the appearance of the building remains that of a one-family residence. In general, any new entrances in an existing structure shall be located on the side or in the rear of the building;

[4] if attached to or located within the principal structure, the accessory apartment shall be designed and constructed to allow it to be part of the principal structure at such time as the use of the accessory apartment discontinues or approval of the special permit lapses;

[5] the design and size of the accessory apartment shall conform to all applicable standards in the health, building, and other codes;

[6] the accessory apartment shall not exceed seven hundred square feet of floor area;

[7] the BZA may condition approval upon the special use permit lapsing at such time as the ownership of the property is transferred; and,

[8] the BZA may require additional standards be met in order to assure compatibility of the proposed use with adjoining properties and to maintain the integrity of the single family zoning district.

Staff Comments

The proposed Accessory Apartment would be located behind the existing house and would be a stand-alone, detached structure. As shown on the attached plot plan and drawings, the Accessory Apartment would measure 20 feet in width and 25 feet in depth. Due to the proposed placement of the Accessory Apartment, it would have limited visibility from the Esquire Court right-of-way. However, it would likely be visible from neighboring residential properties on Esquire Court and Meadowhill Drive.

In the attached request letter, the applicant addresses each of the standards of general applicability listed in Section 9(C) of the Zoning Ordinance. Specifically, the applicant attests that the Accessory Apartment: will not have adverse impacts on the surroundings; will be compatible with the immediate vicinity; will be served adequately by existing infrastructure; and will not result in any damage to any natural, scenic, or historic feature.

Additionally, the applicant addresses most of the specific standards for Accessory Apartments listed in Section 9(D)(2)(a) of the Zoning Ordinance. The applicant agrees that: only one Accessory Apartment will be allowed; except for bona fide emergencies, the owner of the property will occupy one of the dwelling units, and a family member or guest will occupy the other unit; the unit will not be rented to any non-family member; and the Accessory Apartment will be designed in such a way that it is compatible with the principal structure. In accordance with Subsection 4, the proposed Accessory Apartment will be required to comply with all applicable health and building codes. The total floor area of the proposed Accessory Apartment is 500 square feet, which is below the 700 square feet allowed in Subsection 5.

The sketches provided by the applicant do not indicate the materials to be used on the proposed Accessory Apartment. Staff visited the subject property and the surrounding neighborhood and found that most houses in the area used brick, vinyl, or a brick/vinyl combination. The proposed Accessory Apartment should be of similar materials and colors to ensure compatibility with the neighborhood.

If the Board approves the Special Use Permit, staff recommends that it do so with the condition that the applicant complete a “Restriction on Use of Land” document to the City Attorney’s satisfaction. The “Restriction on Use of Land” document must be recorded with the applicant’s deed; this document makes clear to the current property owner and future property owners that the accessory apartment may not be used as a residence by any non-family member.

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

Recommended Condition

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

Attached Exhibits

1. BZA Application
2. Applicant's Request Letter
3. Site Photographs
4. Applicant's Supporting Materials
5. Sample Restriction on Use of Land Document

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

Location/Street Address: 951 Esquire Ct.			
Tax Map: 068C	Group: C	Parcel: ~~068C~~ 00100	Zoning District: RS-15

Applicant: Sharon White	E-Mail: syw951@gmail.com	
Address: 951 Esquire Ct.	Phone: (615) 828-8814	
City: Murfreesboro	State: TN	Zip: 37130

Property Owner: Sharon White		
Address: 951 Esquire Ct.	Phone: (615) 828-8814	
City: Murfreesboro	State: TN	Zip: 37130

Request: 25X20 Mother-in-law suite

Zoning District: RS-15

Applicant Signature: Sharon White Date: 8/5/16

Received By: ACG	Receipt No.: 22754
Application #:	Date: 8/5/16

Murfreesboro Board of Zoning Appeals

City of MURFREESBORO TENNESSEE

HEARING APPLICATION AND GENERAL INFORMATION

To Whom it may concern,

I Sharron White and Billy White owners of 951 Esquire Ct. have read and reviewed the city of Murfreesboro standards of general applicability, and the standards set forth by the city for accessory apartments. We understand and agree to all standards. They are as followed.

Standards of general applicability:

- **We agree** that the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare.
- **We agree** that the proposed building or use will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations.
- **We agree** that the proposed building or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposals, fire protection, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services.
- **We agree** that the proposed building or use will not result in destruction, loss, or damage of any feature determined by the BZA to be of significant natural, scenic, or historic importance.
- **We agree** that the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use.

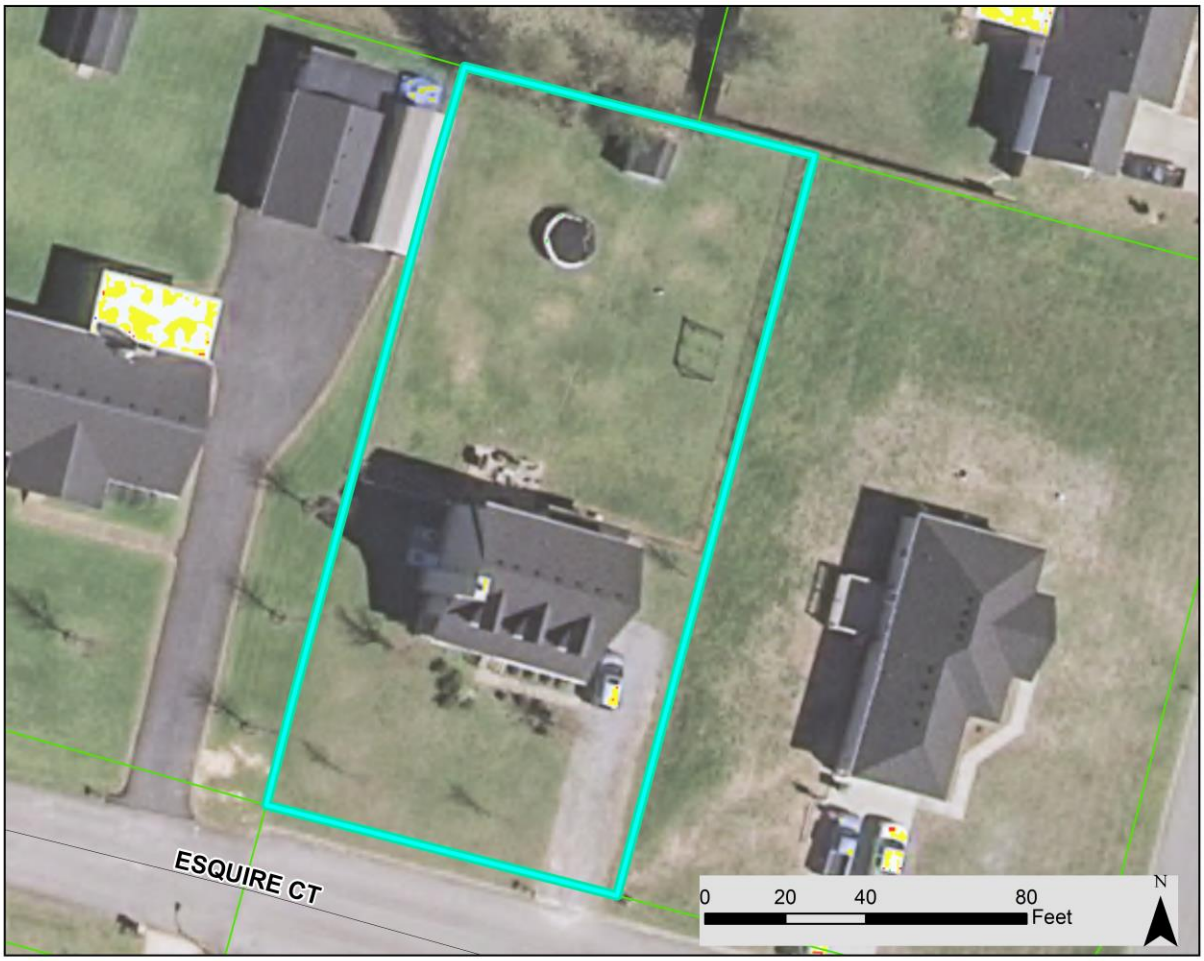
Standards for Accessory apartments:

- **We agree** that only one accessory apartment shall be allowed upon a lot zoned for single family purposes.
- **We agree** that except for bona fide temporary absences, we the owners of the residence or lot upon or in which the accessory unit is created shall occupy at least one of the dwelling units on the premises and members of the family or our invited guest shall occupy the other dwelling unit. In no event should either of the units be used for rental unit to non-family members.
- **We agree** that the accessory unit shall be designed so that to the degree reasonably feasible, the appearance of the building remains that of a one-family unit residence. In general, any new entrances in an existing structure shall be located on the side or in the rear of the building.
- **We agree** that if attached to or located within the principle structure the accessory apartment shall be designed and constructed to allow it to be part of the principle structure at such time as the use of the accessory apartment discontinues or approval of the special permit lapses.

Sharron White Sharron White

Billy White Billy White

Aerial photo of 951 Esquire Court.



Aerial photo of 951 Esquire Court.

951 Esquire Court, view of front yard and front façade of house from Esquire Court.

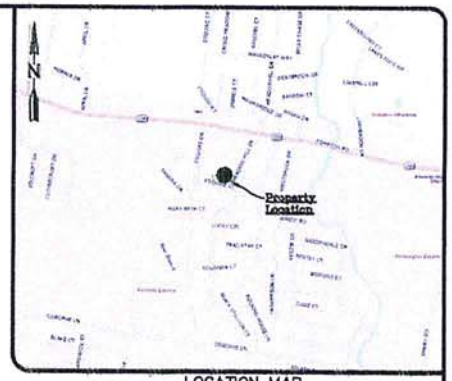
951 Esquire Court, photo taken from northeast corner of house (rear) looking to the northwest. Garage and RV storage structure on neighboring property to the west is visible. The proposed Accessory Apartment would be located in the center of the applicant's rear yard, between the house and small yellow storage structure visible on the right-hand side of the photo.

951 Esquire Court, photo taken from northeast corner of house (rear) looking to the north. The houses to the east face Meadowhill Drive.

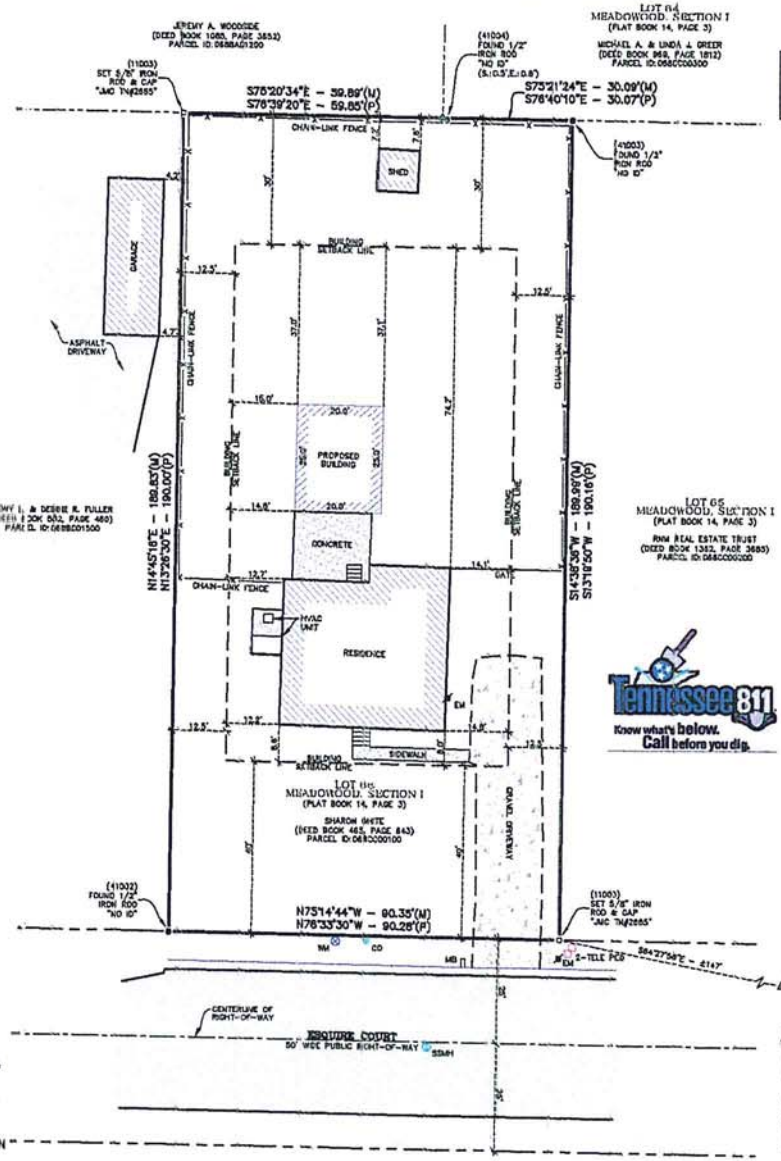
Boundary Survey for: Sharon White

Being Lot 66 of Meadowood, Section I ~ Plat Book 14, Page 3

A Parcel of Land Lying in the 21st Civil District of Rutherford County, Tennessee



LOCATION MAP
NOT-TO-SCALE



GRAPHIC SCALE
(IN FEET)
1 inch = 20ft.

AREA STATEMENT

LOTS 66 CONTAINS 17,124 SQUARE FEET, OR 0.39 ACRES, MORE OR LESS.

SURVEYOR'S NOTES

1. BEARINGS SHOWN HEREON ARE REFERENCED TO THE NORTH AMERICAN DATUM OF 1983, ADJUSTMENT 2007, TENNESSEE GEODETIC REFERENCE NETWORK AND FURTHER REFERENCED TO THE TENNESSEE DEPARTMENT OF TRANSPORTATION VIRTUAL NETWORK.
2. ALL DISTANCES SHOWN HEREON ARE HORIZONTAL GRID DISTANCES AND ARE MEASURED IN U.S. SURVEY FEET. THE COMBINED SCALE FACTOR FOR THIS PROJECT IS 0.9999259858.
3. THE SURVEY SHOWN HEREON WAS REVIEWED BY THE CERTIFYING SURVEYOR IN THE OFFICE BETWEEN THE FOLLOWING DATES: JULY 21, 2016 AND AUGUST 5, 2016. THE FIELD WORK WAS COMPLETED ON AUGUST 3, 2016.
4. ALL ABOVE GROUND IMPROVEMENTS AND UTILITIES WITHIN 5 FEET OF ALL PROPERTY LINES HAVE BEEN LOCATED AND ARE SHOWN HEREON. THERE HAS BEEN NO ATTEMPT TO LOCATE ANY UNDERGROUND UTILITIES OR IMPROVEMENTS. UNDERGROUND UTILITIES SHOWN WERE FROM ACTUAL FIELD EVIDENCE. OTHER UTILITIES MAY EXIST AND NOT BE SHOWN OR VARY FROM WHERE SHOWN. NO GUARANTEE IS EXPRESSED OR IMPLIED AS TO THE ACTUAL LOCATION OF ANY UTILITIES SHOWN, WHICH ARE NOT VISIBLE FROM THE SURFACE.
5. THE SURVEY SHOWN HEREON WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE COMMITMENT OR TITLE SEARCH. ALL PROPERTY AND DEED INFORMATION WAS PROVIDED BY THE CLIENT. PROPERTY MAY BE SUBJECT TO EASEMENTS, RIGHT-OF-WAYS, OR OTHER ENCROACHMENTS NOT SHOWN IN THE DEED OF RECORD.
6. SOURCES OF INFORMATION USED TO FACILITATE THIS SURVEY WERE PREVIOUS SURVEYS BY THIS FIRM, SURVEYS BY OTHER FIRMS AND INFORMATION FURNISHED BY CLIENT. NO TITLE SEARCH, TITLE OPINION OR ABSTRACT WAS PERFORMED BY THIS FIRM. THERE MAY BE DEEDS OF RECORD, UNRECORDED DEEDS, EASEMENTS, RIGHT-OF-WAYS, OR OTHER INSTRUMENTS OF RECORD WHICH COULD AFFECT THE BOUNDARIES OF THIS PROPERTY THAT WERE NOT FURNISHED AT TIME OF SURVEY.
7. THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "X" ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR RUTHERFORD COUNTY, TENNESSEE AND INCORPORATED AREAS. THIS MAP IS DESIGNATED AS MAP NUMBER 47149C0163H AND HAS AN EFFECTIVE DATE OF JANUARY 5, 2007.
8. THE PROPERTY SHOWN HEREON IS ZONED RS-15 (SINGLE-FAMILY RESIDENTIAL) ACCORDING TO THE ZONING MAP FOR THE CITY OF MURFREESBORO. BUILDING SETBACKS ARE AS FOLLOWS:
   FRONT.....40' REAR.....30' SIDES.....12.5'
   ALWAYS CONSULT WITH BUILDING AUTHORITIES PRIOR TO CONSTRUCTION. SETBACKS ARE SUBJECT TO CHANGE.
9. THE OWNER AND PROPERTY ADDRESS
   SHARON WHITE
   951 ESQUIRE COURT
   MURFREESBORO, TENNESSEE 37130
10. THIS SURVEY IS CERTIFIED TO:
    SHARON WHITE

LEGEND

(XXXXX)	= JMC POINT NUMBER
△	= CALCULATED POINT (UNLESS OTHERWISE NOTED)
(P)	= PLAT MEASUREMENT
(M)	= FIELD MEASUREMENT
HVAC	= HEATING, VENTILATION, AND AIR CONDITIONING
WM	= WATER METER
EM	= ELECTRIC METER
MB	= MAILBOX
CO	= SEWER CLEANOUT
SSMH	= SANITARY SEWER MANHOLE
TELE PED	= TELEPHONE PEDESTAL
———	= BOUNDARY/PROPERTY LINE
— — —	= RIGHT-OF-WAY LINE, LINE NOT SURVEYED. LINE MAPPED FROM DEEDS OR PLATS (UNLESS NOTED)
—·—·—	= ADJOINER LINE, LINE NOT SURVEYED. LINE MAPPED FROM DEEDS OR PLATS (UNLESS NOTED)

Tennessee 811
Know what's below. Call before you dig.

SURVEYOR'S CERTIFICATION

(NOT VALID WITHOUT THE SIGNATURE AND ORIGINAL SEAL OF A TENNESSEE LICENSED LAND SURVEYOR)

I HEREBY CERTIFY THAT THE BOUNDARY SURVEY OF THE PROPERTY SHOWN AND DESCRIBED HEREON WAS COMPLETED UNDER MY DIRECTION AND SAID SURVEY IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

I FURTHER CERTIFY THAT THIS SURVEY MEETS THE MINIMUM TECHNICAL STANDARDS FOR SURVEYS SET FORTH BY THE TENNESSEE STATE BOARD OF EXAMINERS FOR LAND SURVEYORS IN CHAPTER 0820-3, STANDARDS OF PRACTICE. NO SEARCH OF THE PUBLIC RECORDS HAS BEEN MADE BY THIS OFFICE. THE SURVEY IS BASED ON INFORMATION FURNISHED BY CLIENT OR CLIENT'S REPRESENTATIVE.

I HEREBY CERTIFY THAT THIS IS A CATEGORY II SURVEY AND THE RATIO OR PRECISION OF THE UNADJUSTED SURVEY IS 1:7,500 AS SHOWN HEREON.

AUGUST 5, 2016
DATE OF SIGNATURE

JOSEPH M. COLVIN
TENNESSEE REGISTERED LAND SURVEYOR
CERTIFICATE NO. 2665

Rutherford County Parcel ID No.: 068CC00100

LEGAL DESCRIPTION OF RECORD (DEED BOOK 465, PAGE 843)

BEING LOT 66 OF MEADOWOOD, SECTION I, ACCORDING TO PLAT AND SURVEY APPEARING OF RECORD IN PLAT BOOK 14, PAGE 3, OF THE REGISTER'S OFFICE OF RUTHERFORD COUNTY, TENNESSEE, TO WHICH PLAT REFERENCE IS HEREBY MADE FOR COMPLETE DETAILS OF LOCATION AND DESCRIPTION.

THIS CONVEYANCE IS MADE SUBJECT TO RESTRICTIONS PER PLAT OF RECORD IN DEED BOOK 434, PAGE 811, TO A 40 FOOT MINIMUM SET BACK LINE, A TELEPHONE EASEMENT OF RECORD IN DEED BOOK 436, PAGE 837 AND A CITY OF MURFREESBORO WATERLINE EASEMENT OF RECORD IN DEED BOOK 410, PAGE 323, ALL OF THE SAID REGISTER'S OFFICE.

SCAN TO LEARN MORE ABOUT JMC

No.	Revisions	Date	By

PROFESSIONAL
JMC
SURVEYING AND MAPPING
4620 New Nashville Hwy. Suite 400
Smyrna, Tennessee 37167
(615) 354-4916
www.jmcsurveying.com
Alabama Certificate No. CA-932-LS

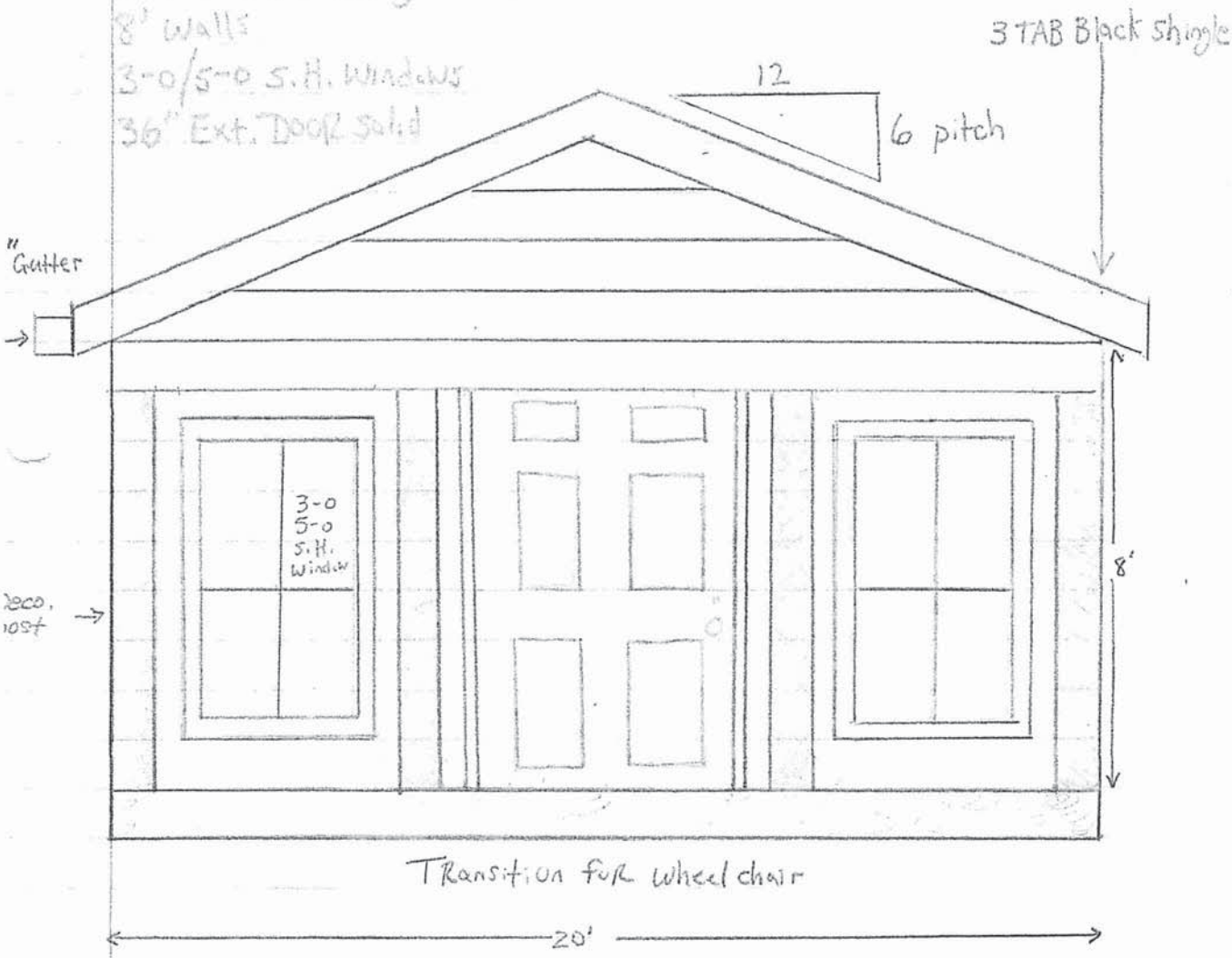
BOUNDARY SURVEY FOR:
SHARON WHITE
21ST CIVIL DISTRICT OF RUTHERFORD COUNTY
MURFREESBORO, TENNESSEE

Scale:	Date	File & Drawing No:
1"=20'	08/2016	16-2042-01
Drawn By: J.R.B.	Checked By: J.M.C.	Sheet 1 of 1

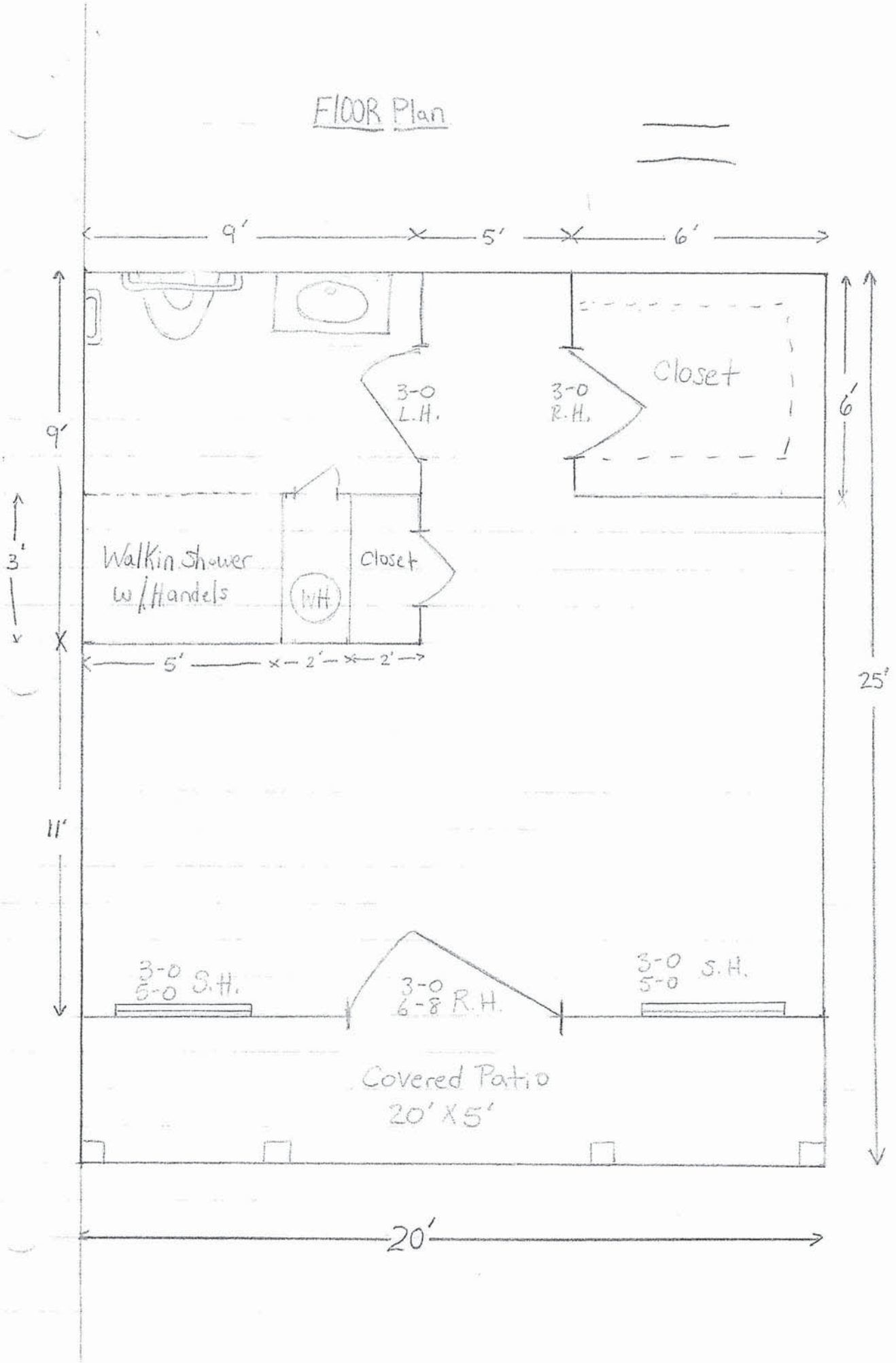
Page(s): 06-07
Field Book(s): 116
Drawing Path and Name: Sharon White - Esquire Court Boundary Surveying

Front View

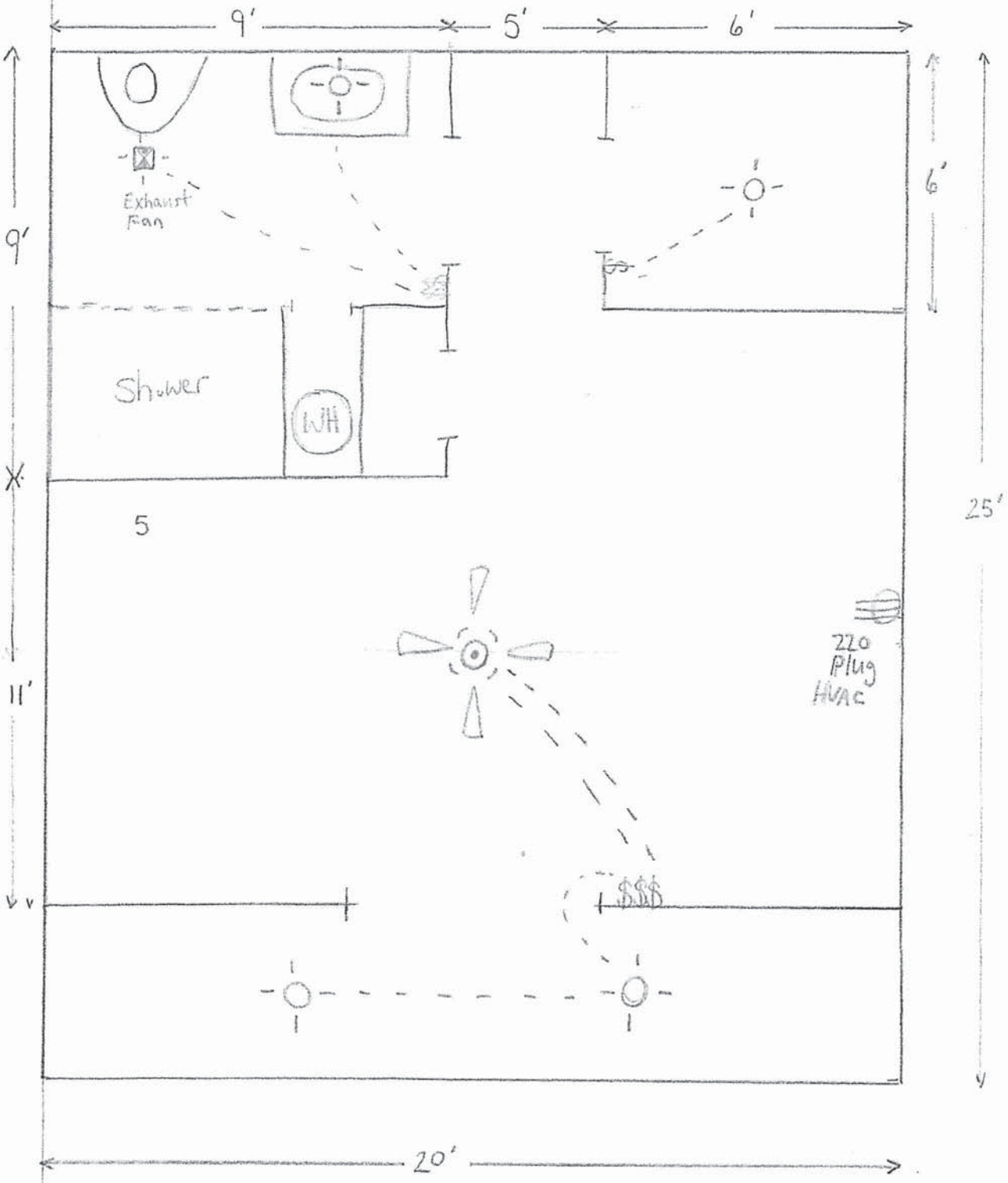
25'X20' 16" on center
6/12 pitch
3 TAb Shingle black Match House
5" Gutter
Vinly Siding Match House
1' Foot over Hang
8' walls
3-0/5-0 S.H. windows
36" Ext. Door solid



Transition for wheel chair


FIOOR Plan
9'
5'
6'
9'
3'
6'
25'
11'
3-0
L.H.
3-0
R.H.
Closet
Walkin Shower
w/Handels
WH
Closet
5'
2'
2'
3-0
5-0
S.H.
3-0
6-8
R.H.
3-0
5-0
S.H.
Covered Patio
20' X 5'
20'

Electric Schematic



This Instrument Prepared By:
David A. Ives
Assistant City Attorney
City of Murfreesboro
P. O. Box 1044
Murfreesboro, TN 37133-1044

RESTRICTION ON USE OF LAND

THIS RESTRICTION ON USE OF LAND is entered into by the undersigned as of the ___ day of _____, 20___.

WHEREAS, **SHARON Y. WHITE** ("Owner") is the owner of the property known as 951 Esquire Court in Murfreesboro, Rutherford County, Tennessee, further identified as being Ctrl. Map 068C Group C Parcel 00100 on the Rutherford County Tax Map, and further described in Record Book 465, Page 643 of the Rutherford County Register's Office (the "Property"); and

WHEREAS, the Owner has applied to the City of Murfreesboro for a special use permit to construct and maintain an accessory apartment as defined in the zoning ordinance of the City of Murfreesboro on the Property in the space above the detached garage; and

WHEREAS, Tennessee statutes authorize the City of Murfreesboro to promulgate regulations on the use of property; and

WHEREAS, the zoning ordinance and zoning map of the City of Murfreesboro do not allow an accessory apartment on this single family zoned Property to be used as a residence by any person who is not a member of the family of owner(s) or occupants(s) of the principal residence; and

WHEREAS, the Owner desires to restrict herself and all future owners of the Property from being able to allow the use of the accessory apartment as a residence by persons who are not members of the family of owner(s) or occupants(s) of the principal residence in order to comply with the City of Murfreesboro's zoning ordinance and to satisfy the conditions for the grant of the special use permit issued by the Board of Zoning Appeals on August 24, 2016.

NOW, THEREFORE, in consideration of the premises, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Owner, for herself and her successors and assigns agrees and covenants as follows:

1. The accessory apartment located on the Property shall not be used as a residence by any person who is not a family member of owner(s) or occupants(s) of the principal residence.

2. This restriction shall run with the land and shall bind the present and all future owners of the Property; provided, that if the zoning ordinance and zoning map of the City of Murfreesboro are ever changed to allow such use of the Property as a matter of right, then this Restriction on Land Use shall be void and of no further effect.

IN WITNESS WHEREOF, the Owner has set forth her hand and seal as of the day and date first above written.

_____
SHARON Y. WHITE

STATE OF _____)
: ss
COUNTY OF _____)

Personally appeared before me, the undersigned notary public, **SHARON Y. WHITE**, the within named bargainor(s), with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that such person(s) executed the within instrument **(RESTRICTION ON USE OF LAND)** for the purposes therein contained.

Witness my hand, at office, this ____ day of _____ , 20___.

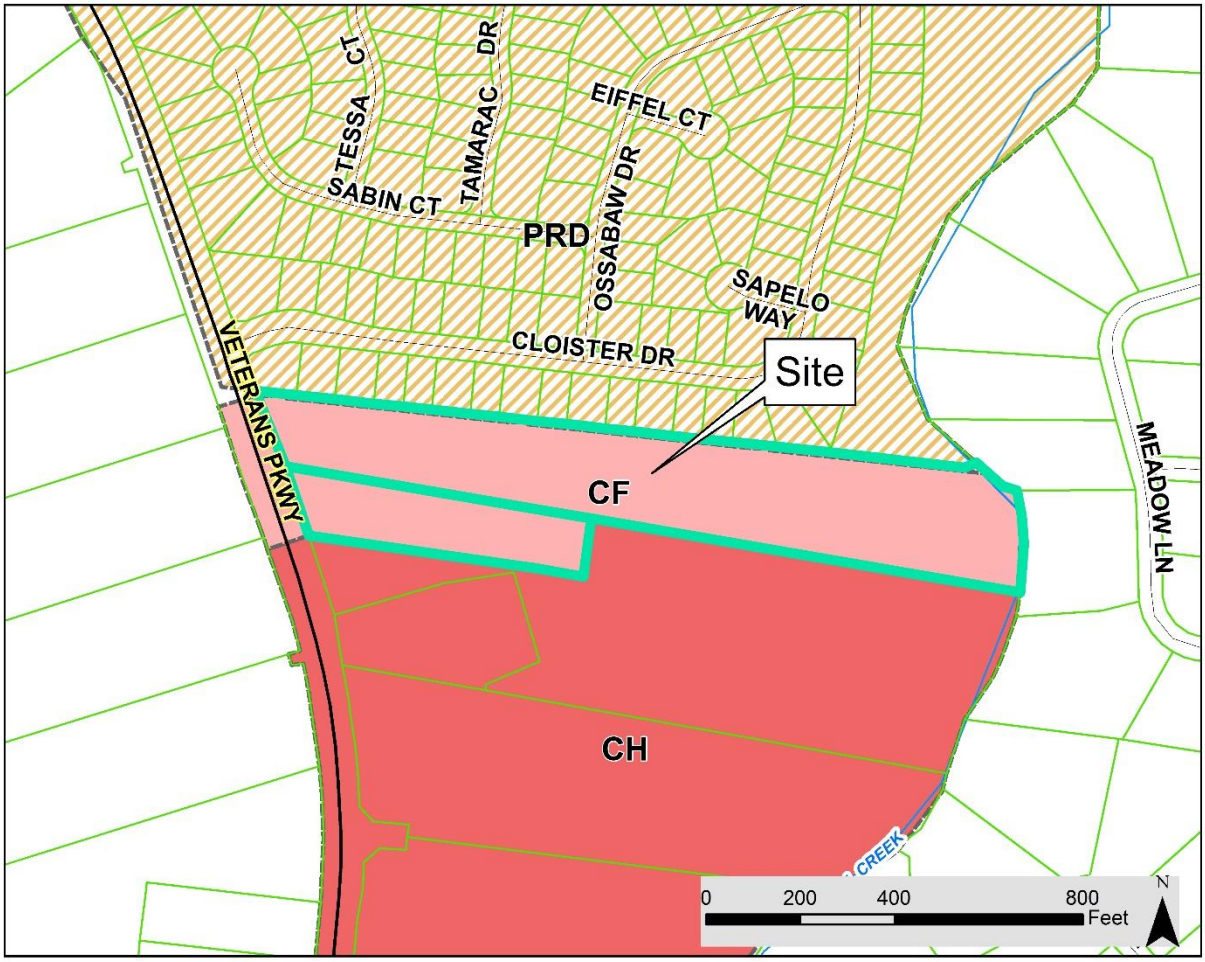
_____
Notary Public

My Commission Expires: _____ (SEAL)

DRAFT

MURFREESBORO BOARD OF ZONING APPEALS
STAFF REPORT
AUGUST 24, 2016

Application: Z-16-056
Location: East side of Veterans Parkway, south of Cloister Drive
Applicant: Clyde Rountree of Huddleston-Steele Inc. representing Mary Reed
Zoning: Commercial Fringe (CF) District
Request: A Special Use Permit to allow a Self-Service Storage Facility on property in the CF district



Request Overview

The applicant, Mary Reed, seeks a Special Use Permit to allow a Self-Service Storage Facility on property located along the east side of Veterans Parkway, south of Cloister Drive. The property is identified as Tax Map 093, Parcels 25.00 and 26.00. The property has a depth of approximately 1,600 feet and a width of 325 feet along Veterans Parkway, though the property narrows by more than 100 feet on its eastern half. The property was recently annexed into the City. (Note that a ten foot strip along the northernmost edge of the property was excluded from the annexation; this strip prevents the subdivisions in the unincorporated County to the east of the subject property from being entirely enclosed by the City.) The subject property is zoned Commercial Fringe (CF). Per Chart 2 of the Murfreesboro Zoning Ordinance, Self-Service Storage Facilities are allowed in the CF district by Special Use Permit.

The adjacent properties to the north are zoned Planned Residential District (PRD). The adjacent property to the south is zoned Highway Commercial (CH). Adjacent properties to the east and west lie within the unincorporated County and are zoned Medium Density Residential (RM). Properties on all sides of the subject property are currently used for single-family residential purposes.

The applicant intends to create a mixed-use development on the subject property. On the west side of the property near the Veterans Parkway frontage, the applicant plans to construct six buildings that will house a mix of retail and office uses. The proposed Self-Service Storage Facility would be located on the eastern half of the subject property and would have no street frontage. As shown on the attached site layout, storage customers would utilize the same driveways as the office and retail customers.

Relevant Zoning Ordinance Sections

Section 9(D)(2)(uuu):

Self-service storage facilities shall be subject to the following additional standards:

(1) the following activities shall be prohibited:
- [a] auctions; commercial, wholesale, or retail sales; and miscellaneous or garage sales;
- [b] the servicing, repairing, or fabrication of motor vehicles, boats, trailers, lawn mowers, appliances, or other similar equipment;
- [c] the operation of power tools, spray painting equipment, table saws, lathes, compressors, welding equipment, kilns, or other similar equipment;
- [d] the establishment of a transfer or storage business;
- [e] the using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, live band, amplifiers, loudspeakers, or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quite and comfort of neighboring residents at any time with louder volume than is necessary for

convenient hearing for the persons responsible for producing or reproducing such sound;

[f] any use of individual units for residential purposes, including but not limited to cooking or sleeping; or

[g] any use that is noxious or offensive because of odors, dust, noise, fumes, or vibrations.

Notwithstanding the foregoing, the owner or manager of the mini-storage facility may conduct auctions and repair and maintain the premises when reasonably required in the usual and customary operation of the mini-storage business.

(2) for self-service storage facilities that have a side or rear property line abutting a property used for single family purposes or classified in the RS or RD classifications or the residential portion of a planned development a minimum ten foot wide landscape strip shall be provided which shall be planted in accordance with Section 27 of this article and at the discretion of the BZA may include earth berms, masonry fences, or walls. The applicant or owner shall post a surety instrument satisfactory to the City Horticulturist to assure the landscaping and screening will be maintained the first three years;

(3) self-service storage facilities shall provide on-site a minimum ten foot landscape strip along the front property line abutting all public rights-of-way. This landscape strip shall be planted in accordance with Section 27 of this article and at the discretion of the BZA may include earth berms, masonry fences or walls;

(4) all storage shall be indoors. However, an area may be provided on-site to be used for outdoor storage of RVs, trailers, cars, and boats. Such area shall be used exclusively for this purpose and shall be screened from the view of adjoining residential areas in the manner as described in sub-sections 2 and 3 above; and,

(5) the BZA may require additional standards be met including additional screening, placement of screening, placement and orientation of on-site lighting and security systems in order to assure the compatibility of the proposed location with adjoining properties.

Staff Comments

As shown on the site layout, the proposed Self-Service Storage Facility will include a total of nine buildings, four of which will border the neighboring Cloister Subdivision on the north. In order to provide privacy to residents along Cloister Drive, no driveway would be constructed along the northern property line. Additionally, the applicant plans to install a 15-foot landscape buffer and a six-foot opaque fence along the northern property line.

In the attached request letter, the applicant indicates that each of the standards of general applicability listed in Section 9(C) of the Zoning Ordinance will be satisfied. Specifically, Section 9(C) requires that that the Self-Service Storage Facilitiy: will not have adverse impacts on the surroundings; will be compatible with the immediate vicinity; will be served adequately

by existing infrastructure; and will not result in any damage to any natural, scenic, or historic feature.

In addition to the standards of general applicability, the Zoning Ordinance sets forth specific standards for Self-Service Storage Facilities in Section 9(D)(2)(uuuu). These include: a prohibition on certain activities such as retail sales and residential uses; a required ten-foot landscape strip between the Self-Service Storage Facility and any adjacent single-family residential use; a required ten-foot landscape strip along the front property line adjacent to any public right-of-way; and restrictions on outdoor storage. Per the site layout and discussions between staff and the applicant: the applicant will not allow any of the listed prohibited uses on the site; a broader 15-foot (Type) D buffer will be installed between the subject property and the neighboring residential subdivision; the street frontage along Veterans Parkway will be prominently landscaped; and the site plan shows no outdoor storage areas.

The applicant will be in attendance to 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:			
Tax Map: 093	Group:	Parcel: 02500	Zoning District: CF

Applicant: CLYDE ROUNTREE	E-Mail: rountree.associates@yahoo.com	
Address: 2115 NW BROAD STREET (HUDDLESTON-STEEVE)	Phone: 893.4084	
City: MURFREESBORO	State: TN.	Zip: 37129

Property Owner: MARY F. REED		
Address: 1634 WEXFORD DR.	Phone:	
City: MURFREESBORO	State: TN.	Zip: 37129

Request: SPECIAL USE PERMIT FOR SELF-STORAGE WITHIN THE CF ZONE.

Zoning District: CF

Applicant Signature: Clyde Rountree Date: 8.1.2016

Received By: B. DAVIS	Receipt No.: 22756
Application #:	8-5-16

Murfreesboro Board of Zoning Appeals

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City of MURFREESBORO TENNESSEE

HEARING APPLICATION AND GENERAL INFORMATION

HUDDLESTON-STEELE
ENGINEERING, INC.
2115 N.W. Broad Street • Murfreesboro, TN 37129 • Engineering 615-893-4084 • Surveying 615-890-0372 • FAX: 615-893-0080

August 1, 2016

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

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AUG 08 2016
BY: .....

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

RE: Special Use Permit, for property located at Tax Map 093, Parcel 01400 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 093, Parcel 01400 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 for storage type facilities. All "Conditions of special uses" in Section 9 (B) and "Standards of general applicability" in Section 9 (C) will be met.

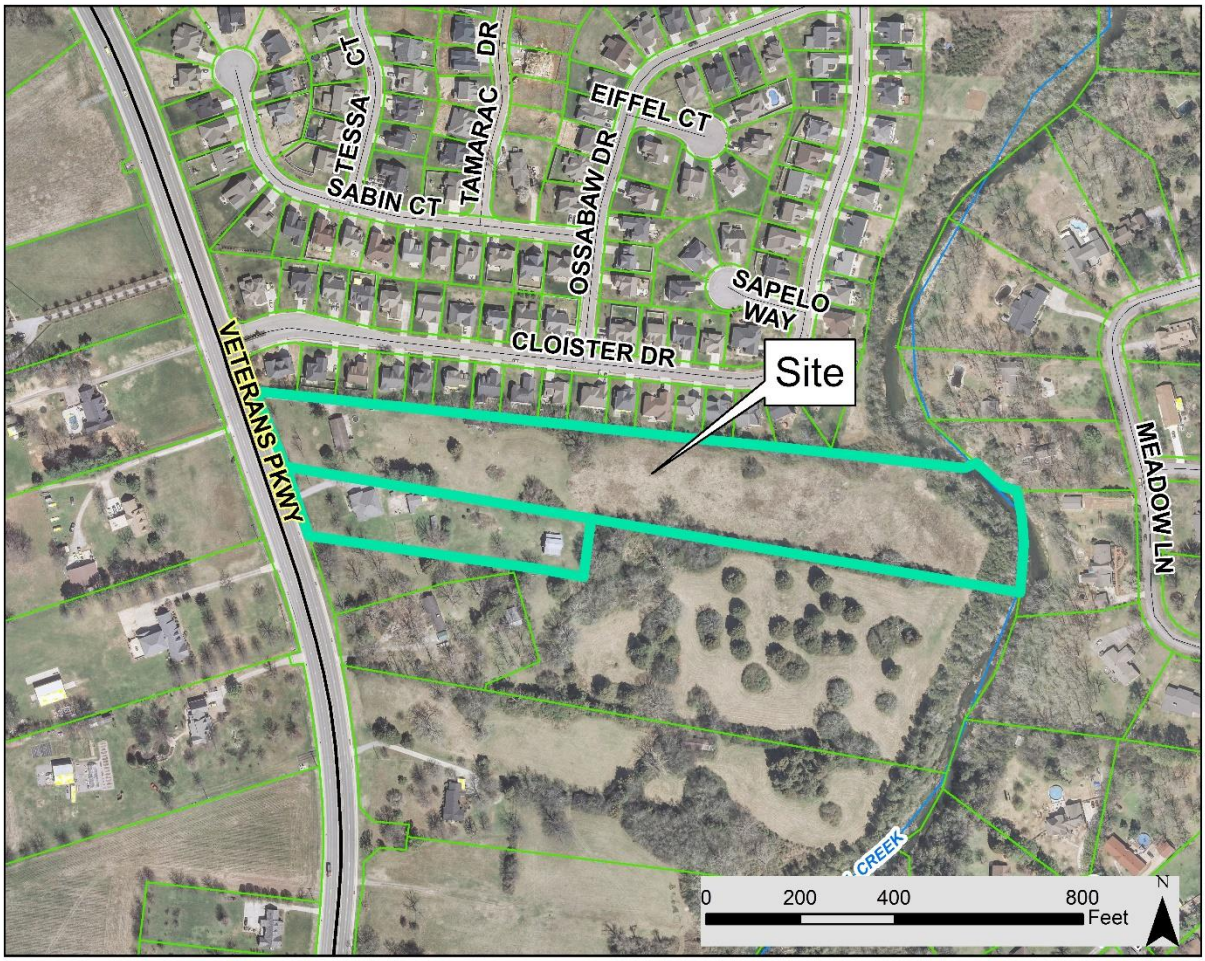
We respectfully request the consideration and approval of this request. If you have questions please contact me.

Sincerely,

HUDDLESTON-STEELE ENGINEERING, INC.

Clyde Rountree

Clyde Rountree



Aerial photo of Veterans Parkway, south of Cloister Drive. The proposed self-service storage facility would be located near the center of the highlighted lot.

Aerial photo of Veterans Parkway, south of Cloister Drive.

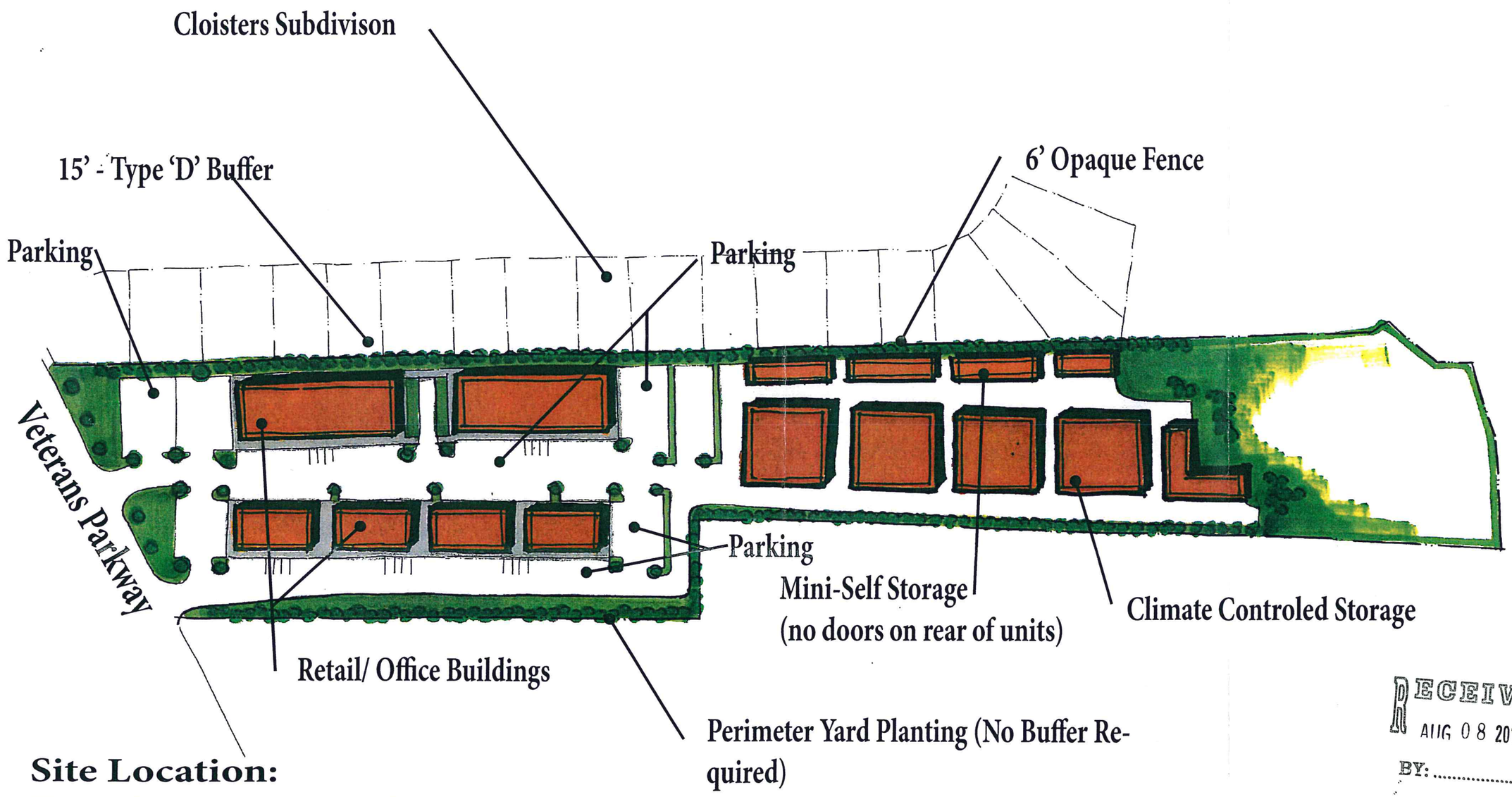
Existing houses located on the east side of Veterans Parkway. Photo taken from street looking eastward. The proposed self-service storage facility would be located to the rear (east) of the white house visible in the photo.

View of area where proposed self-service storage facility would be located. Note existing trees along northern property line (left-hand side of photo).

Photo of existing tree row between subject property and Cloister Subdivision to the north.

Photo of existing tree row between subject property and Cloister Subdivision to the north.

Reed Rezoning Exhibit



Site Location:
Tax Map: 093, Parcel: 02500

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

CITY OF MURFREESBORO
BOARD OF ZONING APPEALS

Special Meeting, August 24, 2016, at 1:45 p.m.
City Hall, 111 West Vine Street, Council Chambers, 1st Floor

A G E N D A

1. Call to order

2. New Business

   Variance Request

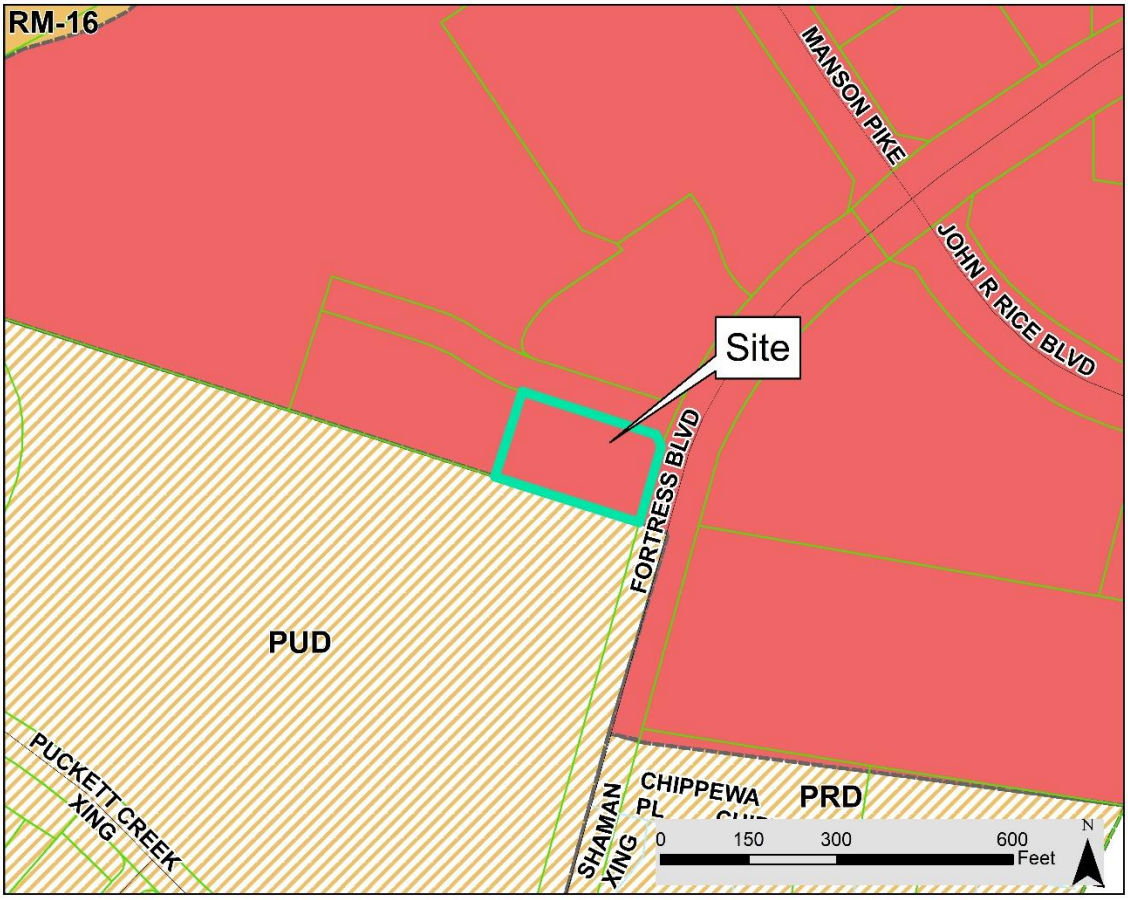
   a. Application Z-16-057 by Lori Rains representing Sonic Restaurant, requesting the following Variances for property in the Highway Commercial (CH) District located at 1129 Fortress Boulevard:
      i. A Variance from Sections 21-108(A)(1)(a) and 21-108(B)(2)(a) of the Murfreesboro Noise Control Ordinance, which prohibit the use of sound amplification devices in such a manner as to be plainly audible across a real property boundary of the nearest occupied dwelling or in a noise-sensitive zone between the hours of 10:00 PM and 7:00 AM;
      ii. A Variance from Table 2 of the Murfreesboro Noise Control Ordinance, which limits sound levels in residential and commercial zones; and
      iii. A Variance from Section 21-108(A)(1)(b) of the Murfreesboro Noise Control Ordinance, which prohibits the use of sound amplification devices in such a manner so as to be plainly audible at a distance of fifty (50) feet on a public right-of-way or on public property.

3. Staff Reports and Other Business

4. Adjourn

MURFREESBORO BOARD OF ZONING APPEALS
STAFF REPORT
AUGUST 24, 2016

Application: Z-16-057
Location: 1129 Fortress Boulevard
Applicant: Lori Rains representing Sonic Restaurant
Zoning: Highway Commercial (CH) District
Requests:
1) A Variance from Sections 21-108(A)(1)(a) and 21-108(B)(2)(a) of the Murfreesboro Noise Control Ordinance, which prohibit the use of sound amplification devices in such a manner as to be plainly audible across a real property boundary of the nearest occupied dwelling or in a noise-sensitive zone between the hours of 10:00 PM and 7:00 AM;
2) A Variance from Table 2 of the Murfreesboro Noise Control Ordinance, which limits sound levels in residential and commercial zones; and
3) A Variance from Section 21-108(A)(1)(b) of the Murfreesboro Noise Control Ordinance, which prohibits the use of sound amplification devices in such a manner so as to be plainly audible at a distance of fifty (50) feet on a public right-of-way or on public property.



The applicant, Lori Rains representing Sonic Restaurant, seeks three Variances from the Murfreesboro Noise Control Ordinance for property located at 1129 Fortress Boulevard. The property lies within the Highway Commercial (CH) district. The applicant wishes to host a special event on the subject property on Sunday, September 18, 2016, and Monday, September 19, 2016. The proposed hours of the event are 6:00 AM to 7:00 PM on September 18 and 7:00 AM to 3:30 PM on September 19. As part of the event, the applicant wishes to host a live radio broadcast, which would be amplified on site. The applicant anticipates that the amplified sound will be audible from neighboring properties, including the Bell Murfreesboro Apartments, located south of the subject property. The Board of Zoning Appeals has the authority to grant variances to the Murfreesboro Noise Control Ordinance.

Variance Request #1 – Time of Operation

The applicant wishes to start amplifying sound at 6:00 AM on Sunday, September 18. Sections 21-108(A)(1)(a) and 21-108(B)(2)(a) of the Murfreesboro Noise Control Ordinance prohibit the use of sound amplification devices in such a manner as to be plainly audible across a real property boundary of the nearest occupied dwelling or in a noise-sensitive zone between the hours of 10:00 PM and 7:00 AM. Staff recommends that the applicant be required to adhere to the requirements of Sections 21-108(A)(1)(a) and 21-108(B)(2)(a) due to the proximity of the nearest residential properties (approximately 150 feet). Residents likely have a reasonable expectation that they can sleep past 6:00 AM on a weekend morning without disturbance from amplified music.

Variance Request #2 – Sound Level Limitations

In order for the applicant to exceed the noise levels prescribed in Chart 2 of the Noise Control Ordinance, a Variance would be necessary. Per Table 2, the neighboring residential area to the west of the subject property (the "receiving" land) should not be subject to sounds louder than 50 decibels between the hours of 7:00 AM and 10:00 PM or 43 decibels between the hours of 10:00 PM and 7:00 AM. The applicant has not provided specific sound levels; therefore, any relief granted would be for any sounds exceeding the sound level limits but without a specific maximum.

Variance Request #3 – Proximity to Public Property

The subject property has frontage along Fortress Boulevard, a public right-of-way, thereby necessitating a Variance from Section 21-108(A)(1)(b) of the Murfreesboro Noise Control Ordinance, which prohibits the use of sound amplification devices in such a manner so as to be plainly audible at a distance of fifty (50) feet on a public right-of-way or on public property. Without information on specific noise levels, it is difficult for staff to provide guidance to the Board on this particular request. Staff's primary concern is how the proposed amplification will affect nearby residents, particularly before 7:00 AM.

The Board will need to take separate votes, one for each Variance request.

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

City of Murfreesboro BOARD OF ZONING APPEALS	HEARING REQUEST APPLICATION

Location/Street Address: 1129 Fortress Blvd. Murfreesboro, TN 37128			
Tax Map: 079	Group: -	Parcel: 99.14	Zoning District: CH

Applicant: Lori Bains	E-Mail:	
Address: 102 Decker Ct., Ste 150	Phone: 972-661-6033	
City: Irving	State: TX	Zip: 75062

Property Owner: Charlie Waite		
Address: 1153 Fortress Blvd.	Phone: 904-607-5351	
City: Murfreesboro	State: TN	Zip: 37128

Request: Variation of Noise Ordinance (see attached)

Zoning District: CH

Applicant Signature: Lori Bains Date: 8/16/16

Received By:	Receipt No.:
Application #:	Z-16-057

Murfreesboro Board of Zoning Appeals

MURFREESBORO TENNESSEE

HEARING APPLICATION AND GENERAL INFORMATION

To Whom It May Concern:

The DR PEPPER SONIC GAMES Final 12 competition celebrates the Top 12 SONIC drive-ins in the country that have set the standard for enhanced operational execution, accuracy, food quality, and exceptional guest service. Drive-in performance is tested through a live mock-rush lunch hour at a host drive-in. This year these mock-rush hour scenarios will take place at our host drive-in in Murfreesboro, TN (1129 Fortress Blvd.). Every year we have SONIC's radio station broadcast live at the host drive-in, to capture all of the action and share with SONIC Drive-In's across the nation.

In order to maintain the spirit of the DR PEPPER SONIC GAMES Final 12 competition, we are requesting a variance to the noise control ordinance in Murfreesboro, TN for September 18th and September 19th. We are requesting two variances per the document "ARTICLE V. NOISE CONTROL".

The first variance is for nighttime hours. In the document it states that nighttime hours are from 10:00 p.m. to 7:00 a.m., local time. We will begin prepping the drive-in for competition prior to 7:00 a.m. both days, and while we will not be at the same level of noise as we will later in the day, we do want the flexibility to prep the site with minimal noise restrictions.

The Second is in Section 21-108 "Unlawful Noise Producing Activities". As mentioned above, we will have SONIC's National radio station onsite broadcasting all activities live, as well as playing music throughout the day through speakers around the property. There is the possibility that the music/commentary could be audible at a distance of 100 feet on public property. We are requesting a variance to allow a loud speaker to be used between the hours of 7:00 a.m. and 10:00 p.m. and be permitted to be heard across property boundaries.

Since the majority of the sound will be taking place within daytime hours, these variances will not impair individuals in surrounding areas from their daily activities. Our tent and radio station will be set up in the empty field behind the SONIC Drive-In, a great distance from the apartments on the other side of the SONIC and the neighborhood Walmart. It will not increase congestion in the public area, or endanger the public health, safety, comfort, morals, or welfare of city residents. These variances are requested for September 18th (6:00 a.m.- 7:00 p.m.) and September 19th (7:00 a.m.- 3:30 p.m.).

We are looking forward to bringing SONIC employees from across the country to your town of Murfreesboro and are excited to partner with your city to put on a wonderful event in the 2016 DR PEPPER SONIC GAMES.

Lori Rains

Lori Rains

Aerial photograph of 1129 Fortress Boulevard. Neighboring properties include a new Walmart Neighborhood Market on the north (not pictured) and the Bell Murfreesboro Apartments to the south.

Closer view of 1129 Fortress Boulevard and proximity to neighboring apartment complex.