

MINUTES OF THE MURFREESBORO PLANNING COMMISSION JUNE 1, 2022

6:00 PM

CITY HALL

MEMBERS PRESENT

Kathy Jones, Chair
Ken Halliburton, Vice-Chairman
Jami Averwater
Rick LaLance
Warren Russell
Shawn Wright

STAFF PRESENT

Greg McKnight, Planning Director
Matthew Blomeley, Assistant Planning Director
Margaret Ann Green, Principal Planner
Marina Rush, Principal Planner
Amelia Kerr, Planner
Joel Aguilera, Planner
Carolyn Jaco, Recording Assistant
David Ives, Deputy City Attorney
Roman Hankins, Assistant City Attorney
Sam Huddleston, Executive Dir. Dev't Services

1. Call to order.

Chair Kathy Jones called the meeting to order at 6:00 p.m.

2. Determination of a quorum.

Chair Kathy Jones determined that a quorum was present.

3. Approve minutes of the May 4, 2022, Planning Commission meeting.

Ms. Jami Averwater moved to approve the minutes of the May 4, 2022 Planning Commission meeting; the motion was seconded by Vice-Chairman Ken Halliburton and carried by the following vote:

Aye: Kathy Jones
Ken Halliburton
Jami Averwater
Rick LaLance
Warren Russell
Shawn Wright

Nay: None

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4. Public Hearings and Recommendations to City Council:

Zoning Ordinance Amendment [2022-803] regarding amendments to Section 2, Section 9, Chart 1, and Chart 4 pertaining to uses permitted, City of Murfreesboro Planning Department applicant. Ms. Marina Rush presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

Chair Kathy Jones opened the public hearing. No one came forward to speak for or against the Zoning Ordinance amendment; therefore, Chair Kathy Jones closed the public hearing.

There being no further discussion, Mr. Rick LaLance moved to approve the Zoning Ordinance amendment subject to Staff deleting the “medical clinic use,” as presented, from Chart 1 prior to City Council’s consideration of this amendment; the motion was seconded by Mr. Shawn Wright and carried by the following vote:

Aye: Kathy Jones
Ken Halliburton
Jami Averwater
Rick LaLance
Warren Russell
Shawn Wright

Nay: None

Zoning application [2022-404] for approximately 1.5 acres located at 915 Haynes Drive to be rezoned from RS-15 to PRD (Beau Monde PRD), Blue Sky Construction applicant. Ms. Margaret Ann Green presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

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Ms. Margaret Ann Green stated that the proposed development type of “single-family detached” is consistent with the proposed Future Land Use Map; however, the characteristics, the density, and the proposed PRD zoning is inconsistent with the proposed Comprehensive Plan and the Future Land Use Map update. She also said that the Planning Commission should consider the appropriateness of the exceptions that are being requested as a part of the PRD.

Mr. Bennie Pandorf of Huddleston-Steele Engineering and Mr. Howard Wilson (developer) were in attendance for the meeting. Mr. Bennie Pandorf gave a PowerPoint presentation of the Pattern Book, which Pattern Book is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

Mr. Howard Wilson stated he commit to restricting rental use of these homes for two years.

Chair Kathy Jones opened the public hearing.

1. **Mr. Matthew Reed, 2643 James Edmon Court** – requested that the application be denied.
2. **Ms. Melissa Wright, 2709 Jim Houston Court** – requested that the application be denied.

There being no one else to speak, Chair Kathy Jones closed the public hearing.

The Planning Commissioners expressed their concerns stating the request should not move forward until the applicant addresses the following:

- Fire trucks and emergency vehicles should be able to access all of the homes in this development.
- Address the wall of trees that would block the view for the adjoining property owners.

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- Provide restrictions on the homes not to be rentals for two years or sold to a rental corporation.
- Address the side setbacks being too tight.
- Provide restrictive covenants for garages be for vehicles only, not for storage.
- Improvements made to the common area.

Mr. Howard Wilson requested a deferral.

There being no further discussion, Mr. Rick LaLance moved to defer the zoning application subject to all staff comments; the motion was seconded by Mr. Shawn Wright and carried by the following vote:

Aye: Kathy Jones
Ken Halliburton
Jami Averwater
Rick LaLance
Warren Russell
Shawn Wright

Nay: None

Zoning application [2022-405] for approximately 0.85 acres located at 1540 Commonwealth Court to be rezoned from RS-10 to PCD (Georgetown Park Parking Lot PCD), Skeeter Beaulieu applicant. Ms. Margaret Ann Green presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

Mr. Bennie Pandorf of Huddleston-Steele Engineering and Mr. Skeeter Beaulieu (applicant) were in attendance for the meeting. Mr. Bennie Pandorf gave a PowerPoint presentation of the Pattern Book, which Pattern Book is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

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Mr. Skeeter Beaulieu (applicant), 1602 West Northfield Boulevard, came forward to provide additional details regarding the application.

Chair Kathy Jones opened the public hearing.

1. **Ms. Christine Daniels, 1534 West Northfield Boulevard** – expressed concerns regarding construction traffic access and requested for the application to be denied.
2. **Ms. Cassie Vaughn, 1547 Georgetown Lane** – stated that the request was contrary to the restrictive covenants and requested for the application to be denied.
3. **Mr. Steve Embree, 1514 Georgetown Court** - requested for the application to be denied.
4. **Mr. Ben Layhew, 1603 Georgetown Lane** –requested for the application to be denied.
5. **Mr. John Roberts, 1547 Georgetown Lane** – expressed concerns regarding noise and light and requested for the application to be denied.
6. **Ms. Patty Marshall, 1510 Georgetown Count** – expressed concerns regarding noise and light and requested for the application to be denied.
7. **Ms. Joyce Taylor, 1535 Georgetown Lane** –requested for the application to be denied.

Mr. Matthew Blomeley stated, for the record, that Mr. John Roberts had provided copies of emails from various homeowners that could not make tonight's meeting and those e-mails were distributed to the Planning Commission members.

There being no one else to speak, Chair Kathy Jones closed the public hearing.

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Mr. David Ives made known HOA covenants could not preclude the City from rezoning property.

The Planning Commission began discussing the request and items such as lighting and buffering.

Mr. Skeeter Beaulieu agreed to continue working on the proposal and requested a deferral.

There being no further discussion, Mr. Rick LaLance moved to defer the zoning application; the motion was seconded by Ms. Jami Averwater and carried by the following vote:

Aye: Kathy Jones
Ken Halliburton
Jami Averwater
Rick LaLance
Warren Russell
Shawn Wright

Nay: None

Annexation petition and plan of services [2021-504] for approximately 16.3 acres located along Emery Road, The Anne Watkins Family Emery Road Trust and The Samuel Watkins Family Emery Road Trust applicant.

Mr. Matthew Blomeley presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference. Mr. Matthew Blomeley stated, if the Planning Commission votes to recommend approval of the annexation and plan of services, staff recommends that approval be made subject to the following items being completed prior to the effective date of annexation:

- 1) Install a 20' wide emergency access drive from Laurelstone Drive to serve the existing house;

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- 2) Dedicate a temporary emergency access easement in the location of the new driveway (which can be extinguished upon the demolition of the existing house);
- 3) Execute an agreement between the City, the property owners (the Watkins), and the developer prior to the annexation becoming effective that the Laurelstone Drive roadway connection will be recorded as a public right-of-way and constructed as a public street with the first section or phase of the proposed subdivision development.

Mr. Blomeley made known a neighborhood meeting had been conducted on Tuesday, May 24, 2022.

Mr. Bennie Pandorf of Huddleston-Steele Engineering and Mr. Jeramie Taber (developer) were in attendance representing the application. Mr. Jeramie Taber came forward stating he has spoken with the Watkins Family for an access connection on their property and would continue to work with them on the access connection.

Chair Kathy Jones opened the public hearing.

1. **Mr. J.T. Sherrell, 2538 Sandstone Circle** – was in agreement for the road connections and emergency access that was presented by Staff.
2. **Ms. Daphne Davis, 2516 Pebblecreek Lane** – requested for road connection be constructed first at Laurelstone Drive for construction truck use with this proposal.
3. **Mr. Bobby Houston, 2859 Oakview Drive** – expressed concerns regarding blasting and traffic.

Chair Kathy Jones closed the public hearing.

Mr. David Ives made known the State of Tennessee has complete control over blasting. The City does not have the ability to place any additional restrictions towards blasting.

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There being no further discussion, Mr. Rick LaLance moved to approve the annexation petition and plan of services subject to all staff comments; the motion was seconded by Mr. Shawn Wright and carried by the following vote:

Aye: Kathy Jones
Ken Halliburton
Jami Averwater
Rick LaLance
Warren Russell
Shawn Wright

Nay: None

Zoning application [2022-406] for approximately 16.3 acres located along Emery Road to be zoned RS-10 simultaneous with annexation, Jeramie Taber applicant. Mr. Matthew Blomeley presented the Staff Comments regarding this item, a copy which is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

Mr. Bennie Pandorf of Huddleston-Steele Engineering and Mr. Jeramie Taber (developer) were in attendance representing the application.

Mr. Shawn Wright asked Mr. Jeramie Taber (applicant) if he would be willing to place any rental stipulations on this proposed neighborhood. Mr. Jeramie Taber came forward stating he would place two-year rental restrictions on the homes. Continuing, Mr. Taber stated there was no intention in selling the development to be all rental property.

Chair Kathy Jones opened the public hearing.

1. **Mr. J.T. Sherrell, 2538 Sandstone Circle** – requested for some type of buffer be placed between Pebblecreek subdivision and this proposal to distinguish the two separate subdivisions.

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There being no one else to speak, Chair Kathy Jones closed the public hearing.

Vice-Chairman Ken Halliburton wanted clarification if the applicant would be required to place buffering between this property and the adjoining subdivision, Pebblecreek. Mr. Blomeley answered that it is not required per the Zoning Ordinance. However, the applicant could include a tree preservation easement with tree protection measures with this proposal.

Mr. Bennie Pandorf stated the applicant has agreed to provide a tree preservation easement with tree protection measures and additional buffering where needed.

Mr. Rick LaLance stated that City Council has designated and funded widening of Lascassas Pike from Middle Tennessee Boulevard to Dejarnette Lane.

There being no further discussion, Mr. Rick LaLance moved to approve the zoning application subject to specific information being provided to City Council regarding the tree preservation and landscape buffering and all other staff comments; the motion was seconded by Mr. Shawn Wright and carried by the following vote:

Aye: Kathy Jones
Ken Halliburton
Jami Averwater
Rick LaLance
Warren Russell
Shawn Wright

Nay: None

Annexation petition and plan of services [2022-503] for approximately 11.4 acres located along Lascassas Pike and East Pitts Lane, Betty Taylor, Elizabeth Taylor, and Terry Taylor applicants. Mr. Matthew Blomeley presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department

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and is incorporated into these Minutes by reference. Mr. Matthew Blomeley explained Staff Recommends the Planning Commission deny annexation and zoning of the subject properties for the reasons noted in the Staff comments.

The Planning Commission began discussing the City's proposed Infill Service Line. Mr. Greg McKnight explained it has not been adopted; it is a tool to be used when reviewing annexation requests. Mr. Shawn Wright stated it was difficult to make a decision when the Infill Service Line has not been adopted. Continuing, Mr. Wright asked if sewer capacity was available for this proposal. Mr. Blomeley answered yes, sewer was available from Laurelstone if the applicant obtains sewer easements.

Mr. John Harney (representative), Mr. Joey Peay (CEO, Murfreesboro Medical Clinic), Ms. Betty Taylor, Ms. Elizabeth Taylor, and Mr. Terry Taylor (applicants) were in attendance representing the application.

Chair Kathy Jones opened the public hearing.

1. **Mr. John Harney, 6748 West Gum Road** – requested for the annexation petition to be approved. He also noted that the applicant has already acquired sewer easements.
2. **Mr. Joey Peay, 1501 Cripple Creek Road** – requested for Planning Commission's support for the annexation petition and rezoning application.

Chair Kathy Jones closed the public hearing.

Vice-Chairman Ken Halliburton asked for additional information regarding road improvements along Lascassas Pike. Mr. Shawn Wright explained City Council had approved four road projects and Lascassas Pike is one of the approved projects.

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There being no further discussion, Mr. Shawn Wright moved to approve the annexation petition and plan of services; the motion was seconded by Vice-Chairman Ken Halliburton and carried by the following vote:

Aye: Kathy Jones

Ken Halliburton

Jami Averwater

Warren Russell

Shawn Wright

Abstain: Rick LaLance

Nay: None

Zoning application [2022-407] for approximately 11.4 acres located along Lascassas Pike and East Pitts Lane to be zoned CF simultaneous with annexation, Murfreesboro Medical Clinic applicant. Mr. Matthew Blomeley presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference. Mr. Matthew Blomeley explained Staff Recommends the Planning Commission deny annexation and zoning of the subject properties for the reasons outlined in the Staff Comments.

Mr. Rob Molchan (landscape architect), Mr. John Harney (representative), Mr. Joey Peay (CEO, Murfreesboro Medical Clinic), Ms. Betty Taylor, Ms. Elizabeth Taylor, and Terry Taylor (property owners) were in attendance representing the application. Mr. Rob Molchan began a PowerPoint presentation of the proposed development.

The Planning Commission began discussing the zoning application with questions concerning future access and road improvements to East Pitts Lane. Mr. Rob Molchan explained that it is currently a substandard road. When a site plan is submitted, road improvements would be addressed at that time.

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Chair Kathy Jones opened the public hearing.

1. **Mr. Joey Peay, 1501 Cripple Creek Road** – stated that the CF zone being requested is the same as their Shelbyville Pike location. Also, the two existing houses on the property would remain until construction begins. The timeline for this development to be completed would be around 2024.

There being no one else to speak, Chair Kathy Jones closed the public hearing.

The Planning Commission made known they would prefer the proposed back lot to have direct access onto Lascassas Pike not off of East Pitts Lane. Mr. Joey Peay stated they would address the back lot facing East Pitts Lane before a site plan was submitted.

Mr. Warren Russell asked if a neighborhood meeting had been conducted. Mr. Peay said no.

Mr. Terry Taylor, 2664 Lascassas Pike – commented that a public meeting had not been conducted. However, he has spoken with neighbors, and no one has had any objections.

There being no further discussion, Mr. Warren Russell moved to approve the zoning application subject to all staff comments; the motion was seconded by Ms. Jami Averwater and carried by the following vote:

Aye: Kathy Jones

Ken Halliburton

Jami Averwater

Warren Russell

Shawn Wright

Abstain: Rick LaLance

Nay: None

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5. Staff Reports and Other Business:

Mandatory Referral [2022-717] to consider the purchase of property at 103 Southeast Broad Street, City of Murfreesboro Legal Department applicant. Mr. David Ives presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

There being no further discussion, Vice-Chairman Ken Halliburton moved to approve the mandatory referral subject to all staff comments; the motion was seconded by Mr. Warren Russell and carried by the following vote:

Aye: Kathy Jones
Ken Halliburton
Jami Averwater
Rick LaLance
Warren Russell
Shawn Wright

Nay: None

Mandatory Referral [2022-715] to consider the abandonment of a portion of a drainage easement located on property along Medical Center Parkway and Robert Rose Drive, Pradeep Agnihotri applicant. Ms. Amelia Kerr presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

Ms. Amelia Kerr stated Staff recommends approval with the following conditions:

1. The applicant must provide to the City Legal Department all the necessary documentation (including any needed legal descriptions and exhibits) required to prepare and record the legal instrument.

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2. The drainage easement abandonment should be subject to the final approval of the legal documents by the City Attorney.
3. The applicant will be responsible for paying any recording fees.
4. A final plat dedicating the new drainage easement shall be submitted for review and approval. It shall be recorded simultaneously with or prior to the recording of the quitclaim deed abandoning the existing drainage easement.
5. The new drainage facility shall be constructed and pass inspection prior to the quitclaim deed being recorded.
6. Approval of this mandatory referral is subject to the approval of the accompanying site plan that was submitted simultaneously with this mandatory referral.

There being no further discussion, Mr. Rick LaLance moved to approve the mandatory referral subject to all staff comments; the motion was seconded by Ms. Jami Averwater and carried by the following vote:

Aye: Kathy Jones
Ken Halliburton
Jami Averwater
Rick LaLance
Warren Russell
Shawn Wright

Nay: None

Mandatory Referral [2022-716] for the transfer to the City of a portion of the Shalom Farms Apartments tract along Stoney Meadow Drive and the recording of an access easement on it, Spence Creek Properties applicant. Mr. Joel Aguilera presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

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Mr. Joel Aguilera stated Staff recommends that the Planning Commission recommend approval of this request to the City Council subject to the following conditions:

1. If approved by City Council, the applicant will be responsible for providing the information necessary for the Legal Department to prepare legal instruments for the transfer of the property. The legal instruments will be subject to the final review and approval of the Legal Department.
2. The applicant will also be responsible for recording these instruments, including payment of the recording fee.
3. The plat creating the lot of record for the apartment site and adding the subject area to the water tank lot shall be recorded.

There being no further discussion, Vice-Chairman Ken Halliburton moved to approve the mandatory referral subject to all staff comments; the motion was seconded by Ms. Jami Averwater and carried by the following vote:

Aye: Kathy Jones
Ken Halliburton
Jami Averwater
Rick LaLance
Warren Russell
Shawn Wright

Nay: None

Zoning application [2021-403] clarifying the correct boundary of the property that was rezoned along Medical Center Parkway from MU, GDO-1, and GDO-2 to PUD, CH, GDO-1, and GDO-2 (Clari Park PUD), Hines Acquisitions, LLC applicant. Mr. Matthew Blomeley presented the Staff Comments regarding this item, a copy which is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

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There being no further discussion, Mr. Rick LaLance moved to approve the correction subject to all staff comments; the motion was seconded by Ms. Jami Averwater and carried by the following vote:

Aye: Kathy Jones
Ken Halliburton
Jami Averwater
Rick LaLance
Warren Russell
Shawn Wright

Nay: None

6. Adjourn.

There being no further business the meeting adjourned at 9:50 p.m.

Chair

Secretary

GM: cj