

**MINUTES OF THE  
MURFREESBORO PLANNING COMMISSION  
JULY 14, 2021**

**6:00 PM**

**CITY HALL**

**MEMBERS PRESENT**

Kathy Jones, Chair  
Ken Halliburton, Vice-Chair  
Rick LaLance  
Chase Salas  
Shawn Wright

**STAFF PRESENT**

Greg McKnight, Planning Director  
Matthew Blomeley, Asst. Planning Director  
Margaret Ann Green, Principal Planner  
Holly Smyth, Principal Planner  
Joel Aguilera, Planner  
David Ives, Deputy City Attorney  
Roman Hankins, Assistant City Attorney  
Sam Huddleston, Dev't Services Executive Dir.

**1. Call to order:**

Mr. Greg McKnight called the meeting to order at 6:00 p.m. He explained that he would be conducting the meeting as Chair Pro Tem until the Election of Chair and Vice Chair was completed. Once elected he would turn the meeting over to the new Chair.

**2. Determination of a quorum.**

Mr. McKnight determined that a quorum was present.

**3. Approve minutes of the May 19, 2021, June 2, 2021, and June 16, 2021 Planning Commission meetings.**

Mr. Ken Halliburton moved to approve the Minutes of the May 19, 2021, June 2, 2021, and June 16, 2021 Planning Commission meetings; the motion was seconded by Mr. Shawn Wright. There being no further discussion, the motion carried by the following vote:

Aye: Kathy Jones  
Ken Halliburton  
Rick LaLance

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Chase Salas

Shawn Wright

Nay: None.

Mr. Greg McKnight introduced Mr. Joel Aguilera, to the Planning Commissioners. Mr. Aguilera is a Planner, who has recently joined the Planning Department. He comes to us from Fort Wayne, Indiana and had attended Ball State University. Mr. Aguilera is doing a great job and is a wonderful addition to our team. Mr. Aguilera came forward stating he was thrilled to be Murfreesboro.

**4. Staff Reports and Other Business:**

**a. Election of Chair and Vice-Chair for year 2021-2022.**

Mr. Greg McKnight opened the floor for the nomination of the 2021-2022 Planning Commission Chair.

Mr. Ken Halliburton made a motion to elect Kathy Jones as Chair; the motion was seconded by Mr. Rick LaLance; and upon roll call, the motion carried by the following vote:

Aye: Ken Halliburton

Rick LaLance

Chase Salas

Shawn Wright

Nay: None.

Abstain: Kathy Jones

Mr. McKnight opened the floor for the nomination of the 2021-2022 Planning Commission Vice-Chair.

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Mr. Rick LaLance made a motion to elect Ken Halliburton as Vice-Chair; the motion was seconded by Mr. Shawn Wright; and upon roll call, the motion carried by the following vote:

Aye: Kathy Jones

Rick LaLance

Chase Salas

Shawn Wright

Nay: None.

Abstain: Ken Halliburton

## **b. Discussion of Murfreesboro Planning Commission Rules & Procedures.**

Mr. Blomeley addressed a question that had been asked from Mr. LaLance from a previous meeting whether or not the Consent Agenda had to be read aloud at the meeting. After reviewing the Planning Commission Rules of Procedure, it was determined that they were silent regarding whether or not the consent agenda should be read aloud. Therefore, Mr. Blomeley recommended they leave the Rules of Procedure silent on the matter and let the Planning Commission have discretion whether or not to read the consent agenda aloud. No action was required.

## **c. Consideration of Revisions to the 2021 PC calendar.**

Mr. Blomeley stated there were two amendments to address regarding the 2021 Planning Commission calendar. First, Fall Break is the first week in October. Due to potential travel during that week, it could affect the attendance of Planning Commissioners as well as the public who may want to participate in the public hearings; therefore, he recommended that the October 6, 2021 night meeting be rescheduled to October 13, 2021 at 6:00 p.m.

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Second, Veterans Day is on Thursday, November 11, 2021, which is the same date for the Planning Department monthly deadline for new submittals. Due to the observance of Veterans Day, City Hall will be closed. Therefore, he recommended to reschedule the November 11, 2021, submittal deadline to November 10, 2021.

There being no further discussion, Mr. Shawn Wright made a motion to approve the revisions to the 2021 Planning Commission calendar; seconded by Mr. Rick LaLance; and the motion carried by the following vote:

- Aye: Kathy Jones
- Ken Halliburton
- Rick LaLance
- Chase Salas
- Shawn Wright

Nay: None.

## 5. Public Hearings:

**Mandatory Referral and Right-of-way Abandonment [2021-708] to consider abandonment of the right-of-way of Berry Place, Murfreesboro Housing Authority applicant.** Ms. Holly Smyth stated she would be presenting three Mandatory Referral and Right-of-way Abandonments for the Murfreesboro Housing Authority. She recommended all three Mandatory Referral and right-of-way abandonments be presented together; however, each abandonment would need to be voted on separately.

Continuing, Ms. Smyth 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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Ms. Smyth read for the record, based on the responses received, staff recommends the following conditions of approval be applicable to all three (3) right-of-way abandonments:

1. A temporary public utility and drainage easement in all of the abandonment areas shall be dedicated concurrently with the recording of the quitclaim deed subject to the final approval of the legal instruments by the City Legal Department.
2. The applicant shall prepare and submit legal descriptions and exhibits necessary for the City Legal Department to draft the necessary legal instruments.
3. A quitclaim deed transferring the subject right-of-way shall be executed and recorded. Recording and recording fees will be the responsibility of the applicant.
4. Once final utility locations are determined with the final redesign of the Mercury Park Masterplan area, new permanent public utility easement(s) shall be dedicated in the proper location(s) to meet the needs of the various utility companies with any obsolete easements being extinguished concurrently. Approval of this request includes approval of any future easement abandonments and dedications, as determined necessary by City Staff.

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

There being no further discussion, Vice-Chairman Ken Halliburton made a motion to approve the Mandatory Referral and Right-of-way Abandonment of Berry Place

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subject to all staff comments; the motion was seconded by Mr. Shawn Wright and carried by the following vote:

Aye: Kathy Jones  
Ken Halliburton  
Rick LaLance  
Chase Salas  
Shawn Wright

Nay: None.

**Mandatory Referral and Right-of-way Abandonment [2021-708] to consider abandonment of the right-of-way of Burns Court, Murfreesboro Housing Authority applicant.** Ms. Holly Smyth 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.

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

There being no further discussion, Mr. Rick LaLance made a motion to approve the Mandatory Referral and Right-of-way Abandonment of Burns Court subject to all staff comments; the motion was seconded by Mr. Shawn Wright and carried by the following vote:

Aye: Kathy Jones  
Ken Halliburton  
Rick LaLance  
Chase Salas  
Shawn Wright

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Nay: None.

**Mandatory Referral and Right-of-way Abandonment [2021-708] to consider abandonment of the right-of-way of Essex Court, Murfreesboro Housing Authority applicant.** Ms. Holly Smyth 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.

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

There being no further discussion, Mr. Shawn Wright made a motion to approve the Mandatory Referral and Right-of-way Abandonment of Essex Court subject to all staff comments; the motion was seconded by Mr. Chase Salas and carried by the following vote:

- Aye: Kathy Jones  
Ken Halliburton  
Rick LaLance  
Chase Salas  
Shawn Wright

Nay: None.

**Zoning application [2021-413] for approximately 5.4 acres located along Bridge Avenue and New Salem Highway to be rezoned from RS-10 to PND (Transit Center PND), City of Murfreesboro applicant.** Ms. Holly Smyth 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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Mr. Matt Taylor of SEC (design engineer), Mr. Brandon Harvey (architect), and Mr. Jim Kerr, City Transportation Director, were in attendance representing the application. Mr. Taylor gave a PowerPoint presentation of excerpts from 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. LaLance wanted to know if the existing buffer with mature trees could be saved. Mr. Taylor stated they would try to keep as much of the vegetation as possible at the rear of the site; however, the property drains to a closed depression area that would be excavated significantly. At the perimeter they would try to keep a 10–15-foot natural vegetation area to the extent that they could. Vice-Chairman Ken Halliburton wanted to know the hours of operation. Mr. Taylor answered 6:00 a.m. to 6:00 p.m.

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

Mr. LaLance asked if there had been any feedback from the neighboring church. Mr. Jim Kerr stated they met with the church back in November 2020 and showed them the preliminary plan. In addition, he said that will send to the church information from tonight's meeting for their use.

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

Aye: Kathy Jones  
Ken Halliburton  
Rick LaLance

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Chase Salas

Shawn Wright

Nay: None.

## 6. New Business

**Annexation petition and plan of services [2021-505] for approximately 262.5 acres located along the west side of Lebanon Pike and including 4.5 acres of Lebanon Pike right-of-way, City of Murfreesboro (for the US Army Corps of Engineers and TDOT) applicant.** Ms. Margaret Ann Green 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.

Vice-Chairman Ken Halliburton wanted to know what was the purpose to annex this property and right-of-way? Ms. Green made known the City would not own the land. It is owned by the US Army Corps of Engineers and TDOT. The City has a lease to maintain and manage a portion of infrastructure on this property. Mr. David Ives stated one of the purposes for this annexation was to clarify the responsibilities for public safety, policing, and security of the area. Under our lease with the Corps of Engineers, the City already has the responsibility to maintain and manage the property as if it were City property. If approved, annexation would clarify public safety responsibilities.

Mr. Rick LaLance made a motion to schedule a public hearing on August 4, 2021, seconded by Vice-Chairman Ken Halliburton, and the motion carried by the following vote:

Aye: Kathy Jones

Ken Halliburton

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Rick LaLance

Chase Salas

Shawn Wright

Nay: None.

**Annexation petition and plan of services [2021-506] for approximately 15.5 acres located along the east side of Lebanon Pike, City of Murfreesboro applicant.** Ms. Margaret Ann Green 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. Rick LaLance made a motion to schedule a public hearing on August 4, 2021, seconded by Mr. Chase Salas, and the motion carried by the following vote:

Aye: Kathy Jones

Ken Halliburton

Rick LaLance

Chase Salas

Shawn Wright

Nay: None.

**Mandatory Referral [2021-714] to consider the abandonment and relocation of a portion of a 20' utility easement at 1825 Old Fort Parkway, Buckel Design Group, LLC on behalf of Lowe's applicant.** Ms. Holly Smyth 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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Ms. Smyth stated that, based on the responses received from various departments and utilities, staff recommends the following conditions of approval with condition #2 being modified as follow:

1. Abandonment of the easement shall be recorded simultaneously with or after the dedication the new utility easement.
2. The applicant shall field-locate all existing water and sewer mains on-site and record new easements for any water and sewer mains that are not located within the existing recorded easements. The timing of the recordation of these easements shall be the discretion of the Water Resources Department. In addition, all existing utility easements shall remain as is with the exception of that easement requested for abandonment on the east side of the building.
3. The applicant shall prepare and submit legal descriptions and exhibits necessary for the City Legal Department to draft any necessary legal instruments.
4. The applicant shall be responsible for the recording of the legal instrument(s).

Mr. Blomeley stated that no public hearing was needed for this Mandatory Referral.

Mr. Kelly Wagoner, the design engineer, was in attendance representing the application.

There being no further discussion, Vice-Chairman Ken Halliburton made a motion to approve the Mandatory Referral subject to all staff comments; the motion was seconded by Mr. Rick LaLance and carried by the following vote:

Aye: Kathy Jones

Ken Halliburton

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Rick LaLance

Chase Salas

Shawn Wright

Nay: None.

## **Staff Reports and Other Business**

Mr. Blomeley reminded the Planning Commissioners that the July 21, 2021, day meeting would begin at 2:30 p.m instead of 1:00 p.m.

There being no further business the meeting adjourned at 6:45 p.m.

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**Chair**

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**Secretary**

GM: cj