

MINUTES OF THE MURFREESBORO PLANNING COMMISSION APRIL 7, 2021

6:00 P.M.

COUNCIL CHAMBERS

MEMBERS PRESENT

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

STAFF PRESENT

Greg McKnight, Planning Director
Margaret Ann Green, Principal Planner
Amelia Kerr, Planner
Holly Smyth, Principal Planner
Carolyn Jaco, Recording Assistant
David Ives, Deputy City Attorney
Sam Huddleston, Dev't Services Executive Dir.

Chair Kathy Jones called the meeting to order after determining there was a quorum.

Chair Jones requested for a motion to approve the minutes of the March 3, 2021 Planning Commission meeting.

Vice-Chairman Ken Halliburton made a motion to approve the March 3, 2021 minutes, seconded by Mr. Warren Russell. The motion carried by unanimous vote in favor.

Public Hearings

Zoning application [2021-402] for approximately 0.66 acres located along Lee Street to be rezoned from CM-R and CCO to PRD (Lee Street Towns PRD) and CCO, Lee Street Partnership applicant. Ms. Amelia Kerr made known the applicant is requesting to rezone the property to PRD (Planned Residential District). The proposed PRD would consist of a 17-unit townhouse development (Lee Street Towns PRD). The proposed gross density would be 10.6 dwelling units per acre. The subject property is also located within the City Core Overlay District (CCO). The proposed rezoning would not affect the CCO zoning. Ms. Kerr summarized the zoning application from the staff report which had been provided to the Planning Commission in the agenda packet.

Ms. Kerr explained the following exceptions to the standard RS-A, Type 3 zoning regulations with CCO are proposed:

MINUTES OF THE MURFREESBORO PLANNING COMMISSION APRIL 7, 2021

1. front setback to be 9' along Lee Street as opposed to the 18' setback required by the CCO regulations (based on the average of the front setbacks on the same block face);
2. rear setbacks to be 18' instead of the required 20' per Chart 2 of the Zoning Ordinance;
3. a reduction in the required 18" "step-up" at the front elevations to a 6" "step-up" (RS-A, Type 3 townhomes are required to have a minimum finished floor elevation of 18" above grade when the front setback is less than 30') per Chart 2 Endnote #34 (a); and
4. an exception to allow a Type A buffer with a privacy fence in lieu of a Type D buffer on property lines adjacent to single-family residential zoning, per Table 2 Buffer requirements in the Zoning Ordinance.

Continuing, Ms. Kerr stated that Staff is supportive of this rezoning request, including the deviation from the future land use map, for the following reasons:

- 1) the proposed residential land use will be compatible with the surrounding residential land uses;
- 2) compact, dense development is desirable in and around downtown and promotes walkability;
- 3) the proposed development will contribute to the vitality and quality of life of the area, continuing a positive trend toward reinvestment in the area; and
- 4) the zoning request is generally consistent with the recommendations of the North Highland Avenue Planning Study.

Mr. Clyde Rountree and Mr. Brian Burns were in attendance representing the application. Mr. Rountree said that Mr. Burns would be working with Mr. John Jones on this proposal. This development would be a continuation in bringing vitality to the downtown area. It would be consistent with other developments in the area. Mr. Rountree began a PowerPoint presentation to explain the proposal from the applicant's pattern book.

Chair Kathy Jones wanted to know if the area delegated for the placement of the solid waste cart was large enough. Mr. Rountree stated he would verify to make certain it was large enough.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION APRIL 7, 2021

Chair Kathy Jones opened the public hearing. There being no one to speak for or against the request, Chair Jones closed the public hearing.

Vice-Chairman Ken Halliburton made a motion to approve subject to all staff comments, seconded by Mr. Warren Russell. The motion carried by unanimous vote in favor with one abstention (Mr. Rick LaLance).

Zoning application [2021-404] to amend the One East College PUD zoning for approximately 2.42 acres located along East College Street, North Spring Street, East Lytle Street, and North Church Street, 705 4th Avenue South Holding Company, LLC applicant.

Ms. Amelia Kerr began by stating the applicant, 705 4th Avenue South Holding Company, is requesting to amend the One East College PUD, located in the 100 block of East College Street and North Spring Street, to allow modifications of the site and building design and uses. The property is approximately 2.42 acres and is developed with the former First United Methodist Church/Franklin Synergy Bank. The One East College PUD was originally approved on May 21, 2020. The applicant is requesting an amendment to the PUD to modify building uses, exterior materials and design of the buildings, parking, amenities, and siting of the structures. The building setbacks will remain the same. Continuing, Ms. Kerr summarized the zoning application from the staff report which had been provided to the Planning Commission in the agenda packet. Also, the applicant has proposed in the amendment a 2,640 square-foot space for a roof-top restaurant/bar located at the 8th floor of the parking garage. In order to include the restaurant component into the project a lease must be completed by May 30, 2021. The total building area is 427,732 square-feet.

The following exceptions to the standard zoning regulations being proposed:

1. 35% of the required 490 garage parking spaces to be 7'6" wide compact spaces and the remainder to be 8'6" wide as opposed to the 9' wide spaces required by the Zoning Ordinance;

MINUTES OF THE MURFREESBORO PLANNING COMMISSION APRIL 7, 2021

2. Maximum building height to be 148' instead of the maximum overall height in the CBD of 75'.

Staff is supportive of this rezoning request for the following reasons:

- 1) the proposed land uses will be compatible with the surrounding land uses;
- 2) compact, dense development is desirable in and around downtown and promotes walkability;
- 3) the proposed development will contribute to the vitality and quality of life of the downtown, continuing the positive trend toward reinvestment in the area; and
- 4) the zoning plan is generally consistent with the recommendations of the Murfreesboro 2035 Comprehensive Plan and the North Highland Avenue Planning Study.

Mr. Matt Taylor of SEC (Civil Engineer), Mr. Bart Kline (Architect), Mr. John Harney (Parks Group), and Mr. Brian Davis (developer) were in attendance representing the application. Mr. Taylor came forward to begin a PowerPoint presentation from the applicant's pattern book. He made known that page 16 provides a summary of the revisions. The primary change has been taking out the hotel with this amendment. However, they have preserved and designed the internal portion of the building that fronts College Street to be converted to a hotel if that opportunity arises in the future. In addition, they have added amenities for a rooftop restaurant, additional street parking, a pool, sundeck and repurposing the existing church.

Chair Kathy Jones opened the public hearing.

1. **Mr. Keith Beckman, 120 E College Street** – requested during the construction that there be road access available for his pharmacy. He would like to be able to continue working as usual free from interruption.
2. **Ms. Andrea Loughry, 126 S. Maple Street** – requested for the exterior façade of the building that details be added to the architecture especially for the limestone arches. The improvements should blend with the motif of the existing church.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION APRIL 7, 2021

Chair Kathy Jones closed the public hearing.

Vice-Chairman Ken Halliburton wanted to make certain construction would be addressed so it would not negatively impact local business owners. Mr. Matt Taylor explained they have made a commitment that roads be kept closed to a minimum length of time. He said that they would be coordinating with the City Street Division and Transportation Department, the neighbors, and the community while working in the downtown area. Vice-Chairman Ken Halliburton commented that no business access should be eliminated especially a drive-thru and parking. Mr. Taylor answered that utility work would be done at night.

Mr. Bart Kline came forward to address Ms. Loughry's concerns regarding the exterior façade. He explained they have been very sensitive with their design and the church. The motif and design are not completely finished with the arches which is part of the main elevation. They would be making improvements in the details.

Chair Kathy Jones commented how this proposal has improved each time it has been presented and continues becoming a better project. Vice-Chairman Ken Halliburton wanted to know if the restaurant use is not leased by May 30, 2021, what would happen to the restaurant. Mr. Taylor stated they would need to know after this proposal was reviewed/approved by City Council. They plan to begin construction in mid-June. They do have a strong candidate for the restaurant use.

Mr. Rick LaLance asked if it was realistic that improvements could be made to the exterior of the building. Mr. Kline came forward stating they know the condo unit area needs improvement.

Vice-Chairman Ken Halliburton made a motion to approve subject to improvements to the exterior arches of the building, work with downtown businesses during construction, and all other staff comments, seconded by Mr. Chase Salas. The motion carried by unanimous vote in favor.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION APRIL 7, 2021

Zoning application [2021-405] for approximately 116.7 acres located along Veterans Parkway, south of Burnt Knob Road, west of Blackman Road and north of Vaughn Road to be zoned to GDO-3 and for 101.7 acres to be rezoned from P to CH, City Administration Department applicant. Ms. Margaret Ann Green summarized the zoning application from the staff report which had been provided to the Planning Commission in the agenda packet.

Ms. Green made known it is the City Administration Department's recommendation that the Planning Commission rezone 101.7 acres to CH and zone 116.7 acres to GDO-3. The CH zoning is consistent with their vision of a tech park, business park, or employment center adjacent to the interstate interchange and with the addition of commercial and hospitality uses. The CH district would not prohibit these type uses as the P district currently does. As proposed in this application, the City is reserving 15 acres to remain zoned P (Park). The city is allocating space for a community park of 15 to 20 acres near the intersection of Burnt Knob and Blackman. The plan is for park amenities similar to a greenway trail head such as a pavilion, playground, open space, and restrooms. A walking trail will be incorporated in the overall development plan which can serve the community park and the users of the office park area. A specific timeframe on the park has not been identified but will likely be tied to infrastructure construction to serve the larger tract. No specific information is available for a separate park location on the west side of I-24.

The City of Murfreesboro has street improvement plans for Burnt Knob Road, including the intersection with Blackman to Veterans, although no specific timeframe has been identified for the improvements. Staff anticipates that timing will be in relation to the level of development on the subject property. Signalized intersections are anticipated at Blackman and Burnt Knob, along Burnt Knob at City property access, and at Veterans Parkway and Burnt Knob Road. Timing would be determined by when other road improvements are initiated or at a later date when warrants are met if that threshold level is not met at construction. According to Public Infrastructure Department, TDoT is working on a plan to signalize interchange ramps at Veterans Parkway.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION APRIL 7, 2021

The City's representatives submitted an application to rezone the majority of this property to CH (101.7 acres). The CH district is intended to permit the development and continued maintenance of general commercial uses located in a linear fashion along highways and near transportation facilities and industrial areas. It is the hope of City Administration that having the property already zoned CH will be an additional enticement for development of this property. Staff included an excerpt of the Zoning Ordinance with a chart of permitted uses in the CH district. The proposed GDO-3 will additionally restrict the permitted uses within the CH zone. The City's Administration Department recognizes that the Gateway Design Overlay District (GDO) district created over 17 years ago has proven to have a robust and vibrant economic base, it creates a strong sense of identity because of the emphasis placed on high quality design, it has significantly increased property values, and the GDO was able to create the class A office space which previously did not exist in Murfreesboro. The desire is to capture some of these successes and apply them to the properties located north of the interchange of Veterans Parkway and I-840.

The Murfreesboro 2035 Future Land Use Map indicates that Business Park Character (BP) is most appropriate for the properties located east of Veterans Parkway. The anticipated development of the City's property will likely be consistent with the Future Land Use map. Chapter 4 of the Murfreesboro 2035 comprehensive plan describes the BP land use character as:

The purpose of the Business Park [BP] land use classification for this Comprehensive Plan's Future Land Use Map, is to foster stability and growth of high-quality office and office/distribution, technology, research and development, and similar industries that are enhanced by access transportation networks and that provide desirable employment opportunities for the general welfare of the community. Business Parks are suburban in character, are typically developed in a campus-style setting that features reduced site coverage and increased open space; and may include offices and associated administrative, executive professional uses, and specified institutional and limited commercial uses.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION APRIL 7, 2021

Development types include any businesses located in an office setting providing professional services. From a land use planning perspective, it is important to distinguish office uses from other commercial activities. The “pure” office uses entail minimal amounts of interaction with customers. Employees are the primary activity generators for offices such as the following:

- Primarily office, medical, and technology/research uses;
- higher-density auto urban (general) residential (20- 30% of total area max.);
- Public/institutional; and Common green spaces.

Mr. Sam Huddleston came forward to provide insight how the City has been thinking about this area. He explained the history of this area that began with the interstate interchanges. With new interchanges it gives communities unique opportunities; however, they are limited. In the 1990s, the City contracted with the Tennessee Department of Transportation to construct future interchanges for the City which included this area. Continuing, Mr. Huddleston made known the following:

1. Planning in this area began in the early 2000s with details for the construction of the Veterans Parkway interchange;
2. City Staff has seen this interchange as a west entry into our community with the vision of land uses and development from I-840 and Highway 96 West;
3. The City has received numerous inquiries for this area, including economic development opportunities. However, the City lacks zoning and utilities being provided to this area.;
4. Representatives from the Rutherford County Chamber of Commerce and Economic Development Consultants have made known this property has high potential for development opportunities for employment; but lacks zoning and utilities.;
5. Tonight, the zoning request for this property is for the City to be in a better position to see employment opportunities with a professional office park that would attract white collar jobs and attract users.;
6. The request reduces the Park zone to 15 acres.;
7. Park elements can go in CH zoning. However, CH uses cannot go into Park zoning.;

MINUTES OF THE MURFREESBORO PLANNING COMMISSION APRIL 7, 2021

8. The fifteen acres would be reserved for a future park.; and
9. The park would not be for athletic fields or structured athletics but for a community park that would be available to the area residents and the users/occupants of the business park.

Lastly, Mr. Huddleston stated that he is not representing or announcing a commitment to a future park. This would be determined by our City Mayor and City Council. However, this property being discussed is about new opportunities along the west side of I-840. Our City Administration continues to pursue opportunities for a park and would be announcing those opportunities in the near future. Mr. Huddleston requested for the Planning Commission to approve this zoning application.

Mr. Rick LaLance commented on how the City Council had purchased two different pieces of properties a few years back. One is this property and the other is off of Highway 96 West, to explore a west park for the west side of Murfreesboro. The City Council will continue to explore options for both pieces of properties. Mr. LaLance stated that he is committed as a Councilman and a Planning Commissioner to continue pursuing much needed park space for the City.

Chair Kathy Jones opened the public hearing.

1. **Ms. Alice Hilton, 122 Gritton Court** – opposes this zoning request without a site plan. She is concerned the property could become a WalMart, Thornton's, a Pilot truck stop, Cracker Barrell, etc. The City had promised a Park within this area. The roads in this area need to be improved due to the increase of new occupied homes that have increased the traffic. Also, there is a historical burial ground in the area for the founder of the Blackman community.
2. **Mr. John L. Batey, 504 Baker Road** – requested for this property to have more green space from 15 acres to 40 acres for the community. He suggested for the Park to be located in front of the City's property. Also, he would like the Park to include walking trails and a library.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION APRIL 7, 2021

3. **Mr. Brandon Hilton, 122 Gritton Court** – opposes this zoning application. He would like to know what the rush for this application is. There should be a plan provided first, then come back with a zoning application. He does not have any confidence with the City committing to a white-collar business park. He is concerned the property could become an area for a truck stop, McDonalds, etc.
4. **Mr. John Marshall, (representing) 4810 Veterans Parkway** – opposes this zoning application. He requested for the City to keep the green space and increase the 15 acres of the park space.
5. **Mr. John Harney, 6748 West Gum Road** – came forward stating he was in favor of this zoning application. However, he understands the comments that have been made. He explained how this area has great opportunity for a very nice office park development that would be spread out. He does not disagree about the proposed 15 acres of green space; maybe, it needs to be more acreage. A corporate office park could be intertwined with green space; therefore, everyone wins. He does not want to see commercial properties such as a Pilot, Thorntons, Cracker Barrell, etc. at this interchange. Therefore, the zoning and utilities must be in place first before this property would be considered for an office park. A nice development would provide good jobs with a strong tax base brought to our City.
6. **Mr. Steve Sandlin, 3407 Valley Bend Road** – opposes the zoning application. He requested for the Planning Commission to understand that the community had been told they would have a park. Now, they are seeing something totally different. Fifteen acres is not enough; however, with property planning for a library, green space, etc. would be helpful for the community. The community is being let down by a small amount of acreage for a park.

Chair Kathy Jones closed the public hearing.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION APRIL 7, 2021

Mr. Rick LaLance made known this property would not be used for a WalMart, truck stop, etc. The Mayor and City Council is trying to find the best fit for this property. The City owns this property and has control what could be allowed on the City property. There is a level of protection and he is committed to that. Also, he would agree there should be more than 15 acres of green space. The City Council would continue to work this property and the other potential park property on Franklin Road.

Mr. Shawn Wright agreed that parks could be intertwined with a business park. He has seen in other cities that have incorporated walking trails, bike trails, basketball courts, etc. The City owns the property and would have control over what could be permitted there. Chair Kathy Jones stated there will be restrictions being in place with the GDO-3 overlay.

Mr. Sam Huddleston explained the 15 acres for the P zoning is for a zoning boundary and it is not for a park boundary. The park boundary would be based on the development plan and amenities.

Mr. Rick LaLance made a motion to approve, seconded by Mr. Shawn Wright. The motion carried by a vote of 5-1 (with Mr. Chase Salas voting “nay”).

Zoning application [2021-406] for approximately 52.9 acres located along Veterans Parkway and Burnt Knob Road to be zoned GDO-1, City Administration Department applicant. Ms.

Margaret Ann Green began by summarized the zoning application from the staff report which had been provided to the Planning Commission in the agenda packet. Ms. Green made known the subject area consists of five parcels and is zoned CH (Highway Commercial District) and RS-15 (Single-family, Residential District). These properties were annexed in 2017. The five parcels are privately owned, have a strong (re)development potential, and are included in the rezoning application by the City’s Administration Department. It is the City Administration Department’s recommendation that the Planning Commission zone these parcels GDO-1.

Vice-Chairman Ken Halliburton wanted to know how the GDO-1 zoning would apply with the current RS-15 properties. Ms. Green explained the GDO-1 zoning would not make any changes

MINUTES OF THE MURFREESBORO PLANNING COMMISSION APRIL 7, 2021

to the current RS-15 zone; however, the GDO-1 would apply for any redevelopment of these properties in the future.

Chair Kathy Jones opened the public hearing.

1. **Mr. Joe Swanson, Jr., 1188 Park Avenue** - stated that he owns CH zone property west of Veterans Parkway. He understands the reason for the zone application and it is commendable. However, with the current Design Guidelines in place there are plenty of restrictions in place. Due to the ongoing cost of building materials, he requested that his 99 acres located at this interchange not be included in the GDO-1 zone. He wanted this to be known for when he is ready to have the rest of his property annexed into the City.
2. **Mr. John Harney, 6748 W. Gum Rd., representing the owner of 30 acres on the east side of Veterans Parkway Mr. Anthony Togrye** – stated that Mr. Anthony Togrye is in agreement to have the GDO-1 overlay being placed on his property. Mr. Togrye feels this would be good for his property and will complement the City’s vision for the area.

Chair Kathy Jones closed the public hearing.

Mr. Rick LaLance commented to Mr. Swanson that he would take into account his request if he was still around whenever Mr. Swanson was ready to annex his 99 acres. Mr. LaLance stated that this area has a large blank canvas of property. He feel this area would become a future gateway into our City.

Mr. Rick LaLance made a motion to approve the zoning request as submitted, seconded by Vice-Chairman Ken Halliburton. The motion carried by unanimous vote in favor.

Mr. Rick LaLance requested for City Staff to consider voluntarily placing restrictive covenants on the uses for the CH zone on the Park property, removing some uses that would normally be permitted by right. This list created by Staff would be for City Council to review for discussion.

**MINUTES OF THE MURFREESBORO
PLANNING COMMISSION
APRIL 7, 2021**

Staff Reports and Other Business

None.

There being no further business the meeting adjourned at 7:45 p.m.

Chair

Secretary

GM:cj