

**CITY OF MURFREESBORO
BOARD OF ZONING APPEALS**

Regular Meeting, March 24, 2021, 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. Determination of a quorum
3. Consideration of minutes for the regular meeting on December 21, 2020
4. New Business

Special Use Permit Request

- a. **Application Z-21-002 by TNT Fireworks, represented by Joey Rouse**, is requesting a special use permit in order to operate a temporary outdoor vending establishment (seasonal fireworks retailer) in a Commercial Highway (CH) zone for property located at 4432 Veterans Parkway. (Project Planner: Austin Cooper)
- b. **Application Z-21-003 by TNT Fireworks, represented by Joey Rouse**, is requesting a special use permit in order to operate a temporary outdoor vending establishment (seasonal fireworks retailer) in a Commercial Highway (CH) zone for property located at 2946 S. Church Street. (Project Planner: Austin Cooper)
- c. **Application Z-21-004 by H. C. Klover Architects** is requesting a special use permit in order to install a drive-up window electronic menu board and queuing lane within 200 feet of property zoned PRD (Planned Residential District) in a Commercial Fringe (CF) zone for property located at 2901 South Church Street. (Project Planner: Austin Cooper)
- d. **Application Z-21-005 by Bethel Community Church** is requesting a special use permit for an expansion of an institutional group assembly use to construct a pavilion in a Single Family Residential (RS-10) zone for property located at 1503 Sulphur Springs Road. (Project Planner: Austin Cooper)

- e. **Application Z-21-006 by Journey Home** is requesting a special use permit in order to construct a mission and group shelter in a Heavy Industrial (H-I) zone for property located along east side of Old Salem Road, north of Samsonite Boulevard (Map 102, Parcel 12.00). (Project Planner: Brad Barbee)
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- 5. Staff Reports and Other Business
 - 6. Adjourn

Regular Meeting Minutes of the Murfreesboro Board of Zoning Appeals

December 21, 2020 – 1:00 P.M.
Council Chambers

MEMBERS VIDEO PRESENT

Davis Young, Chair
Misty Foy (participating electronically)
Ken Halliburton, Vice-Chair
Julie King (participating electronically)

MEMBERS ABSENT

Tim Tipps

STAFF PRESENT

Jafar Ware, *Planner*
Roman Hankins, *Assistant City Attorney*
Matthew Blomeley, *Assistant Planning Director*
Brenda Davis, *Recording Assistant*

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

Chairman Young determined there was a quorum and stated that two members of the Board were present in person and Ms. King and Ms. Foy were participating remotely, per the Governor's Executive Order. Chairman Young said all votes will be by roll call.

The minutes from the November 23, 2020 regular meeting were approved as submitted.

New Business

Application Z-20-034 by Ms. Amphorn Facunla, is requesting a special use permit in order to conduct a home occupation (a beauty shop) at her residence located at 1065 Warrior Drive. The property is located in a Residential Single-Family (RS-15) zone.

Mr. Ware reviewed the application and staff comments. If the Board approves this request, Staff recommends the following conditions of approval:

- 1) Customer visits shall be by appointment only.
- 2) No more than one customer at a time shall visit the home-based business and there shall be no overlapping appointments.
- 3) Any proposed signage shall comply with the Zoning and Sign Ordinances, shall be attached to the home, shall not exceed 3 square-feet, and shall be subject to any applicable permitting requirements.

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- 4) The business shall open only on Tuesdays thru Saturdays and it shall open no earlier than 10:30 AM and shall close no later than 5:30 PM.
- 5) The applicant shall obtain all necessary permits and inspections with the City of Murfreesboro Building and Codes Department for the physical conversion of the garage to the salon.
- 6) The applicant shall obtain all required permits and inspections with the State of Tennessee, as determined by the State of Tennessee, regarding the use of the existing septic tank in conjunction with the home-based business. Evidence of compliance with any applicable requirements from the State must be submitted prior to operation of the home-based business commencing.

The applicant's husband, Marc Facunla, was present to answer any questions.

Mr. Facunla said they bought this house to move her parents in with them and she wants to be at home for her parents. He said they are not doing this to make a lot of money or impact the neighbors. Mr. Facunla said he has talked with all the neighbors and no one had a problem with the business being there. Mr. Facunla is currently investigating the process to see if this type of business is even feasible for them to add 35-foot of septic line. He said there are two companies scheduled to give him an estimate. He said they would like for this to happen, but they are researching all the costs it would take. Mr. Facunla stated that a sign is needed at the house and one at the street. He was hoping to not put a sign at the street because he did not want to take away from the look of the neighborhood. He is fine with the 3 X 3 sign on the side of the house.

Mr. Halliburton verified Staff is not requiring Mr. Facunla to put a sign at the end of the road.

Mr. Ware said a sign on the house is all that is allowed, nothing at the street is required or allowed.

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

Chairman Young referred to the septic field line and asked if the BZA permit approval is the first part of this process.

Mr. Blomeley said the BZA is covered by the recommended condition and unless Mr. Facunla can satisfy the State regarding his septic tank then the Board would not run into any risks. Mr. Ware, in doing is due-diligence researching the application and finding out that the property was on septic tank, contacted the State and found out what would need to be done in order for them to be able to have this home-based business there. Mr. Blomeley said with the recommended condition in place, we don't run any risks because the applicants wouldn't be able to move forward unless they satisfied the State's requirements.

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Mr. Blomeley referred to the sign and clarified that 3 square-feet is the most they would be able to have, and it must be attached to the house. He said a sign at the road would not be permitted.

Chairman Young asked if that signage would satisfy the State Cosmetology Board.

Mr. Blomeley said from our standpoint it would have to satisfy the State as we could not allow anything bigger than that.

Mr. Hankins said Section 8(D)(3) of the Zoning Ordinance allows for the approval of a preliminary special use permit with conditions. He said it sounds like this may be that type of scenario where it is conditioned on getting the septic approved.

Chairman Young said that makes sense.

Mr. Blomeley said the preliminary special use permit option would require them to come back for a full special use permit and we have advertised for the full special use permit today. He said the preliminary special use permit was not something we contemplated today.

Chairman Young said if it is approved, we are going to approve a special use permit only upon approval of the septic plan by the State.

Mr. Blomeley asked for a recess so he could speak with Mr. Hankins.

Chairman Young called a five-minute recess at 1:15 p.m.

Chairman Young called the meeting back to order at 1:20 p.m.

Mr. Blomeley said researching the septic tank issue has been something that Mr. and Mrs. Facunla have had to do on the fly as it was something they weren't expecting. He said in talking with Mr. Hankins, what Staff would feel comfortable with, rather than approving this special use permit and having it be valid indefinitely, would be to approve it and if they meet all of the required conditions of approval within twelve months, it remains valid. If they do not meet those conditions of approval within twelve months (i.e., if they decide not to move forward) then the approval of the special use permit will lapse. Mr. Blomeley just spoke with Mr. Facunla and he would like to get over this hurdle so that they can move forward with their due-diligence and if they decide to move forward, they could do so without having to come back. Mr. Blomeley said that is an additional condition Staff would recommend.

Chairman Young asked if the condition would need to be met one year from now.

Mr. Blomeley said yes, Staff could even say December 31, 2021 to make it easy to remember.

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Ms. King asked how that requirement would be worded as a condition of approval. Would it maybe read: “Upon December 31, 2021 should these conditions not be met, the special use permit would lapse?”

Mr. Blomeley appreciated Ms. King putting the condition into words and said if the Board were to use that condition, then he could work with Mr. Hankins after-the-fact and fine-tune it.

Ms. King said it would not affect all the conditions of approval but the one that would be necessary would be the necessary permits and inspections with the State of Tennessee and the City of Murfreesboro.

Mr. Blomeley said he thinks conditions 3, 5, and 6 would have to be met within the twelve-month period.

Ms. King made a motion to approve the request subject to the following conditions:

- 1) Customer visits shall be by appointment only.**
- 2) No more than one customer at a time shall visit the home-based business and there shall be no overlapping appointments.**
- 3) Any proposed signage shall comply with the Zoning and Sign Ordinances, shall be attached to the home, shall not exceed 3 square-feet, and shall be subject to any applicable permitting requirements.**
- 4) The business shall open only on Tuesdays thru Saturdays and it shall open no earlier than 10:30 AM and shall close no later than 5:30 PM.**
- 5) The applicant shall obtain all necessary permits and inspections with the City of Murfreesboro Building and Codes Department for the physical conversion of the garage to the salon.**
- 6) The applicant shall obtain all required permits and inspections with the State of Tennessee, as determined by the State of Tennessee, regarding the use of the existing septic tank in conjunction with the home-based business. Evidence of compliance with any applicable requirements from the State must be submitted prior to operation of the home-based business commencing.**
- 7) The approval of the special use permit shall automatically lapse if conditions #3, #5, and #6 above have not been met by December 31st, 2021.**

The motion was seconded by Mr. Halliburton. Upon roll call, the motion was passed by the following vote:

**Aye: Misty Foy
Julie King
Ken Halliburton
Davis Young**

Nay: None

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Staff Reports and Other Business

Mr. Blomeley thanked all the Board Members for meeting all their continuing education requirements. He said the Board is fully trained with respect to meeting the minimum requirements from the State of Tennessee.

Mr. Blomeley announced that Brenda Davis has taken a new job in the Administration Department and Jafar Ware has taken a new job in the Community Development Department. He thanked them for their dedicated service to the Planning Department.

The meeting adjourned at 1:30 p.m.

CHAIRMAN

SECRETARY

MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

MARCH 24, 2021

PROJECT PLANNER: AUSTIN COOPER

Application: Z-21-002

Location: 4432 Veterans Parkway

Applicant: Joey Rouse, for TNT Fireworks East

Owner: Kroger Limited Partnership

Zoning: Commercial Highway (CH)

Requests: A Special Use Permit in order to operate a temporary outdoor vending establishment (seasonal fireworks retailer)



Overview of Request

The applicant, Joey Rouse, representing TNT Fireworks East, wishes to operate a fireworks tent for the Fourth of July selling season from June 28, 2021 to July 5, 2021. The property is located at 4432 Veterans Parkway and is currently developed with a Kroger. City of Murfreesboro Zoning Ordinance, Chart 1 (Uses Permitted by Zoning District) of the Murfreesboro Zoning Ordinance lists Fireworks Seasonal Retailer as a use allowed by Special Use Permit in the CH district. The applicant seeks a Special Use Permit from the Board in order to operate the proposed fireworks sales tent. The proposed tent is 30 feet by 60 feet and would be situated near the end of a row of parking remote from the building. This is a not a new site for fireworks sales but will be operated by a different owner. The applicant has provided a copy of the lease from the property owner granting the applicant permission to operate the fireworks tent. The site is surrounded on all sides by existing commercial development also zoned CH.

Relevant Zoning Ordinance Sections

Chart 1 of the City of Murfreesboro Zoning Ordinance allows seasonal fireworks retailers as a special use in the CH district. City of Murfreesboro Zoning Ordinance Section 9(D)(2)(eeee) sets forth standards for temporary vendors in addition to the Standards of General Applicability in Section 9(C).

The applicable standards are listed below with information from Staff on how the applicant intends to address them. After reviewing the criteria for the special use requirements for temporary vending uses, this project appears to meet the criteria.

Standards of General Applicability with Staff analysis:

- (1) 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 use is temporary, as proposed, it will have no adverse impact on the above-mentioned list.

- (2) 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:**

The temporary tent is on the Kroger property near the Veterans Parkway intersection and will not interfere with the neighboring property or the regular operation of nearby businesses during this week.

- (3) The proposed buildings 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; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services:**

Staff believes this application will not hinder the above services. Parking on this site is in ample supply.

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

No features of significant natural, scenic, or historic importance have been identified on the subject property.

(5) The proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use:

Additional standards for temporary vendors are listed below.

Additional Standards for Institutional Group Assembly Uses with Staff Analysis:

Temporary vendors shall be subject to the following additional standards:

- (1) The application for a temporary vendor Special Use Permit shall include the signature of the owner of the property or the owner's authorized agent. The owner of the property may be the applicant if the owner is to be the operator of the temporary use.**

Included in the application.

- (2) The site for a temporary vendor shall be improved to provide adequate parking as determined by the BZA and shall provide for an on-site turn around area so that backing onto the street will not be necessary. Parking areas shall have an asphalt, concrete, or other hard dustless surface. In the event the proposed location will be on the site of an existing permanent business, the applicant must provide verification that the parking spaces displaced by the temporary vendor (including areas for tents, trailers, inventory, and parking for the temporary vendor) will not total more than 25% of the total parking available on the site.**

There will be ample asphalt parking on site. The tent only blocks 10 spaces and impedes an unneeded travel lane. The Transportation Department has been consulted and will not require additional traffic measures.

- (3) Traffic control measures may be required by the BZA. These may include a requirement that the applicant make provisions for directing traffic during expected peak hours of operation.**

The applicant is aware that additional traffic control measures could be required by the BZA. The Transportation Department has been consulted and will not require additional traffic measures

- (4) Temporary facilities, including vehicles, trailers or tents, will be permitted provided they are erected or placed in conformance with all applicable Codes. Any tent must provide an emergency exit remote from the point of entrance into the tent. Vehicles, trailers, and tents must be located on an asphalt, concrete or hard dustless surface and in no event may be erected or placed on a gravel or grass area. All approved vehicles, trailers or tents must be maintained in good condition. Any vehicle, trailer or other moveable equipment used in connection with such temporary vendor shall be removed from the site at the conclusion of each business day. No such vehicle, trailer or equipment shall be removed and then be parked or stored in a residential area where such parking or storage is prohibited by ordinance or restrictive covenant. A vehicle or trailer may remain on the site overnight only if it is being used to provide security for items for sale remaining on the site, which items are not in a vehicle or trailer, provided the vehicle or trailer is constantly occupied or attended. The**

applicant shall be required to identify any vehicle, trailer or equipment to be used, and its overnight use and location, in the application.

The applicant will have a vehicle that remains overnight for security reasons. This is not inconsistent with other fireworks applications. The applicant must identify the make and model of this vehicle.

- (5) Any site used for a temporary vendor must be located so that all parts of all facilities and sales inventory on the site are no more than five hundred feet from an operable fire hydrant.**

The site is 330 feet from an operable fire hydrant.

- (6) A deposit in the amount of five hundred dollars (\$500) per site shall be made with the Building and Codes Department. In the event the site has not been cleared and cleaned within the time specified, the deposit shall not be refunded. Additionally, unless the owner (and permit holder, if different) can prove good cause, the site shall not be eligible for other permits for temporary vendors, and the permit holder shall not be eligible for another temporary vendor Special Use Permit, for six (6) months for the first offense, twelve (12) months for the second offense and eighteen (18) months for the third and all subsequent offenses. Except as otherwise specifically provided herein in subsection [10], all sites must be cleared and cleaned within five (5) days after the expiration of the Special Use Permit.**

The applicant is aware of the deposit and the requirement to clean up the site after the selling season.

- (7) Adequate provision shall be made for restroom facilities on the property. Restroom facilities must be located on-site for all temporary vendor locations that include on-site overnight security. Portable toilets, if used, shall be located on the site and may not be located in any required front setback or in any required side yard. The BZA may approve the use of off-site restroom facilities provided they will be available during all business hours and provided that the applicant provides the written permission of the owner or manager of the off-site facilities.**

A portable toilet will be provided at the location.

- (8) The applicant shall post on the property documentation of the BZA's granting of a temporary vendor Special Use Permit for inspection by City officials or others during the course of the temporary use.**

The applicant will comply with this requirement.

- (9) No special use permit shall be granted to any applicant who occupies or proposes to occupy premises for the temporary vendor where conditions exist on the site which are in violation of the sign, building, fire, electrical, or other ordinances of the City. If any such violations occur after the issuance of the temporary vendor Special Use Permit and same are not cured within 24 hours after notice, the Special Use Permit may be suspended, revoked or terminated by written notice, any temporary electrical service may be interrupted, and the deposit may be forfeited. The written notice referenced in the previous sentence may be given by the Director of the Planning and Zoning Department, the Director of the Building and Codes Department, the City**

Manager or the Assistant City Manager. The City may, in addition, initiate any other enforcement remedies with respect to such violations as may be provided by law.

The applicant stated he understands these requirements.

- (10) Any electric meter installed on a freestanding permanent pole and/or any temporary pole installed to supply power to a temporary vendor shall be removed within 14 days after the Special Use Permit expires.**

This does not apply as the applicant will be using a generator on-site for power.

- (11) Any site for a temporary vendor must be located so that all parts of all facilities and/or tents and all inventory are outside of any easements for electric power transmission or distribution.**

The site of the tent is not located in any easements.

- (12) Adequate provision shall be made for solid waste management. If a dumpster is to be located on-site, it shall be located in such a manner as to minimize impact on adjoining properties or other businesses on the same lot of record.**

The applicant will provide a trash can on-site and will remove trash from the premises as needed.

- (13) Signage for a temporary vendor shall conform to the requirements of the City's sign regulations including but not limited to an application for a sign permit and payment of applicable sign permit fees. The granting of a temporary vendor Special Use Permit shall not, by itself, allow any signage on the site in addition to that which was allowed prior to the granting of such permit.**

The applicant understands this requirement.

- (14) 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, quiet 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 shall not be permitted.**

The applicant will not use any noise amplification devices.

- (15) A site may be used for temporary vending for no more than 70 days during any 12-month period. The BZA may approve a site to be used by multiple temporary vendors provided that no site shall be used by more than one temporary vendor at any time. A Special Use Permit for temporary vending shall expire at the end of one year after the date of approval. Notwithstanding the foregoing, a site which was approved by the Board of Zoning Appeals as a location for a temporary vendor of food or retail merchandise during the 12 months immediately preceding the effective date of this ordinance will continue to be an eligible site for a temporary vendor Special Use Permit for up to six months during any 12 month period provided all other conditions for site approval continue to be met, and provided further, that the eligibility of any such site for the issuance of an extended Special Use Permit shall end at the end of any 12 month period during which the site was not given approval for**

use by a temporary vendor of food or retail merchandise, or on March 24, 2022, whichever shall first occur.

The application is for 1 week only and will not exceed the amount of time stipulated above.

- (16) The BZA may require additional standards be met in order to assure compatibility of the proposed location with adjoining properties.**

The applicant will adhere to any additional requirements.

- (17) Notwithstanding subsections [2] and [4] above, a temporary vendor may be permitted to locate parking areas, tents and other facilities on lots with gravel surfaces if such gravel surfaced lots were legally established, in existence and had been used for temporary vending purposes prior to January 1, 2007 provided however that the exception in this subsection shall end on November 14, 2017.**

The parking lot consists of asphalt, not gravel.

- (18) The application for and grant of a Special Use Permit for temporary vending of fireworks shall be subject to the following additional conditions.**

- a. Any site for a fireworks seasonal retailer must be located so that all parts of all facilities and fireworks inventory on the site are no closer than two hundred feet to any fuel source.**

The site is 262 ft from the nearest fuel source.

- b. No fireworks seasonal retailer shall be approved for any site within two hundred fifty feet of an establishment, which is licensed for on-site consumption of alcoholic beverages, or beer, as defined by state law. This measurement shall be made in a straight line without regard to intervening structures or objects from any structure, tent, or inventory storage area of a fireworks seasonal retailer to the nearest point of any structure or area where the alcoholic beverages or beer are licensed to be served.**

There is no restaurant, bar or other place of business located within 250 feet of the temporary fireworks tent where onsite consumption of alcohol, beer or wine can occur.

- c. The sales period for a fireworks seasonal retailer location shall not be approved for a period that begins before June 28 or ends after July 5 and/or begins before December 26 and ends after January 2 of any year. No activity associated with the fireworks seasonal retailer shall be located on the property before June 22 or before December 21 and all materials including sales offices, tents, garbage, trash, etc., shall be removed from the lot on or before July 10 or January 7.**

The applicant is aware of this requirement and is seeking to operate from June 28th until July 5th. The proposed hours are 8am to 10pm with extended hours until midnight on July 3rd and 4th. This is consistent with the city ordinance regarding temporary fireworks sales.

- d. Fireworks seasonal retailers must comply with all state and City laws and ordinances regarding the sale of fireworks, including but not necessarily limited to T.C.A. §68-104-101 and City Code §12.**

The applicant will comply with this requirement.

- e. A fireworks seasonal retailer shall not be approved for a period of more than one calendar year.**

The applicant is aware of this requirement. The request is only for the 4th of July selling season 2021.

- f. The applicant must obtain a tent permit for the fireworks tent.**

The applicant is aware of this requirement.

- g. A fireworks seasonal retainer shall provide certification that the tent is flame-resistant or treated to be flame-resistant.**

The applicant will comply with this requirement.

- h. A fire extinguisher shall be kept on-site at all times.**

The applicant is aware of this requirement and will keep a fire extinguisher at the tent.

- i. The City's fireworks ordinance shall be posted on-site.**

The applicant will comply with this requirement.

- j. No fireworks are to be set off on-site.**

The applicant will comply with this requirement.

- k. The site must pass an electrical safety inspection prior to opening for business. An electrical permit must be purchased from the Building and Codes Department in order to obtain this inspection.**

The applicant will comply with this requirement.

- (19) The application for and grant of a Special Use Permit for the temporary vending of food, beverages, animals, produce, other merchandise and any other such temporary sales event that is not an accessory use to the principal use on a lot or a portion of a lot shall be subject to the following additional conditions: [aa] Tables, chairs, or other furniture that would allow or facilitate on-site consumption of food or beverages shall not be allowed on the site.**

No vending of food or beverage is proposed in this application.

Recommended Conditions of Approval:

- 1) The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.
- 2) The applicant shall keep and maintain a fire extinguisher on-site at all times.
- 3) The applicant shall keep the City's fireworks ordinance posted on-site at all times.
- 4) Fireworks shall not be set-off on site.

- 5) The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.
- 6) The fireworks tent shall meet all minimum building setback requirements for the CH zoning district and temporary firework vending standards. In addition, a tent permit must be purchased from the Building and Codes Department.

Attached Exhibits

1. Site photos
2. Letter of explanation from applicant
3. BZA Application
4. Site Sketch

Site Photo #1



Site Photo #2



Site Photo #3



Kroger #565, 4432 Veterans Pkwy Murfreesboro TN 37128 (TENT 30X60)



City of Murfreesboro
BOARD OF ZONING APPEALS

HEARING REQUEST
APPLICATION

Location/Street Address: 4432 Veterans Pkwy

Tax Map: 93 Group: 28 Parcel: 1 Zoning District: CH

Applicant: Joey Rouse E-Mail: rousej@tntfireworks.com

Address: 408 HWY149 Phone: 931-249-3109

City: Clarksville State: TN Zip: 37040

Property Owner: Kroger Limited Prtnership (Contact: Liz Harpole)

Address: 1014 Vine Street Phone: 720-635-5730

City: Cincinnati State: OH Zip: 45202

Request: To operate a seasonal Fireworks outlet from June 28 to July 5

Zoning District: Commercial Highway (CH)

Applicant Signature: *Joey C. Rouse* Date: 3/3/2021

Received By: *ACA* Receipt #: *040400*

Application #: *350-021-002* Date: *3/4/2021*

Murfreesboro
Board of
Zoning Appeals



T E N N E S S E E
HEARING APPLICATION
AND
GENERAL INFORMATION

TNT Fireworks
408 Hwy 149
Clarksville, TN 37040
931-249-3109

Answer for BZA standards for: 4432 Veterans Pkwy, Murfreesboro, TN 37129 (Kroger parking lot)

Along with everything you have provided for the BZA I will ask that you also submit a letter showing your ability to comply with the special requirements for temporary vendors in our zoning ordinance. The following is a list of items you will need to comply with so what you will need to provide is a short explanation for every item showing that you intend to comply with that individual regulation. If it doesn't apply, just write N/A. Thank you.

(C)Standards of general applicability. An applicant for a special 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;
- (2) 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;
- (3) that the proposed buildings 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; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services;
- (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; and,
- (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.

Site plan submitted, traffic, parking etc have been taken into account with setting up the proposed location. Location meets all requirements of the zoning ordinances.

(eeee) Temporary vendors, as described in Section 25(D)(4) of this article, are subject to the following additional standards:

- [1] The application for a temporary vendor Special Use Permit shall include the signature of the owner of the property or the owner's authorized agent. The owner of the property may be the applicant if the owner is to be the operator of the temporary use. **Copy of lease agreement with property owned will be supplied.**
- [2] The site for a temporary vendor shall be improved to provide adequate parking as determined by the BZA and shall provide for an on-site turn around area so that backing onto the street will not be necessary. Parking areas shall have an asphalt, concrete, or

other hard dustless surface. In the event the proposed location will be on the site of an existing permanent business, the applicant must provide verification that the parking spaces displaced by the temporary vendor (including areas for tents, trailers, inventory, and parking for the temporary vendor) will not total more than 25% of the total parking available on the site. [3] Traffic control measures may be required by the BZA. These may include a requirement that the applicant make provisions for directing traffic during expected peak hours of operation.

Location site plans show that we will occupy no more than 25% of the parking area and have sufficient turn around capabilities and will not obstruct the flow of traffic.

- [4] Temporary facilities, including vehicles, trailers or tents, will be permitted provided they are erected or placed in conformance with all applicable Codes. Any tent must provide an emergency exit remote from the point of entrance into the tent. Vehicles, trailers and tents must be located on an asphalt, concrete or hard dustless surface and in no event may be erected or placed on a gravel or grass area. All approved vehicles, trailers or tents must be maintained in good condition. Any vehicle, trailer or other moveable equipment used in connection with such temporary vendor shall be removed from the site at the conclusion of each business day. No such vehicle, trailer or equipment shall be removed and then be parked or stored in a residential area where such parking or storage is prohibited by ordinance or restrictive covenant. A vehicle or trailer may remain on the site overnight only if it is being used to provide security for items for sale remaining on the site, which items are not in a vehicle or trailer, provided the vehicle or trailer is constantly occupied or attended. The applicant shall be required to identify any vehicle, trailer or equipment to be used, and its overnight use and location, in the application.

Information for any vehicle on site after hours to provide overnight security will be identified on the application.

- [5] Any site used for a temporary vendor must be located so that all parts of all facilities and sales inventory on the site are no more than five hundred feet from an operable fire hydrant.

Tent is within 500' of a fire hydrant

- [6] A deposit in the amount of five hundred dollars (\$500) per site shall be made with the Building and Codes Department. In the event the site has not been cleared and cleaned within the time specified, the deposit shall not be refunded. Additionally, unless the owner (and permit holder, if different) can prove good cause, the site shall not be eligible for other permits for temporary vendors, and the permit holder shall not be eligible for another temporary vendor Special Use Permit, for six (6) months for the first offense, twelve (12) months for the second offense and eighteen (18) months for the third and all subsequent offenses. Except as otherwise specifically provided herein in subsection [10], all sites must be cleared and cleaned within five (5) days after the expiration of the Special Use Permit.

Will pay a \$500 deposit on location and agree to leave the property cleaned.

- [7] Adequate provision shall be made for restroom facilities on the property. Restroom facilities must be located on-site for all temporary vendor locations that include on-site overnight security. Portable toilets, if used, shall be located on the site and may not be

located in any required front setback or in any required side yard. The BZA may approve the use of off-site restroom facilities provided they will be available during all business hours and provided that the applicant provides the written permission of the owner or manager of the off-site facilities.

A port a jon will be provided at location and meet BZA set back requirements.

- [8] The applicant shall post on the property documentation of the BZA's granting of a temporary vendor Special Use Permit for inspection by City officials or others during the course of the temporary use.

Special us permit will be posted on site.

- [9] No special use permit shall be granted to any applicant who occupies or proposes to occupy premises for the temporary vendor where conditions exist on the site which are in violation of the sign, building, fire, electrical, or other ordinances of the City. If any such violations occur after the issuance of the temporary vendor Special Use Permit and same are not cured within 24 hours after notice, the Special Use Permit may be suspended, revoked or terminated by written notice, any temporary electrical service may be interrupted, and the deposit may be forfeited. The written notice referenced in the previous sentence may be given by the Director of the Planning and Zoning Department, the Director of the Building and Codes Department, the City Manager or the Assistant City Manager. The City may, in addition, initiate any other enforcement remedies with respect to such violations as may be provided by law.

Understood

- [10] Any electric meter installed on a freestanding permanent pole and/or any temporary pole installed to supply power to a temporary vendor shall be removed within 14 days after the Special Use Permit expires.

N/A (generators only)

- [11] Any site for a temporary vendor must be located so that all parts of all facilities and/or tents and all inventory are outside of any easements for electric power transmission or distribution.

Acknowledged

- [12] Adequate provision shall be made for solid waste management. If a dumpster is to be located on-site, it shall be located in such a manner as to minimize impact on adjoining properties or other businesses on the same lot of record.

Acknowledged

- [13] Signage for a temporary vendor shall conform to the requirements of the City's sign regulations including but not limited to an application for a sign permit and payment of applicable sign permit fees. The granting of a temporary vendor Special Use Permit shall not, by itself, allow any signage on the site in addition to that which was allowed prior to the granting of such permit.

Acknowledged

- [14] 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, quiet 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 shall not be permitted.

N/A

- [15] A site may be used for temporary vending for no more than 70 days during any 12 month period. The BZA may approve a site to be used by multiple temporary vendors provided that no site shall be used by more than one temporary vendor at any time. A Special Use Permit for temporary vending shall expire at the end of one year after the date of approval. Notwithstanding the foregoing, a site which was approved by the Board of Zoning Appeals as a location for a temporary vendor of food or retail merchandise during the 12 months immediately preceding the effective date of this ordinance will continue to be an eligible site for a temporary vendor Special Use Permit for up to six months during any 12 month period provided all other conditions for site approval continue to be met, and provided further, that the eligibility of any such site for the issuance of an extended Special Use Permit shall end at the end of any 12 month period during which the site was not given approval for use by a temporary vendor of food or retail merchandise, or on November 14, 2017, whichever shall first occur.

Acknowledged

- [16] The BZA may require additional standards be met in order to assure compatibility of the proposed location with adjoining properties.

Acknowledged

- [17] Notwithstanding subsections [2] and [4] above, a temporary vendor may be permitted to locate parking areas, tents and other facilities on lots with gravel surfaces if such gravel surfaced lots were legally established, in existence and had been used for temporary vending purposes prior to January 1, 2007 provided however that the exception in this subsection shall end on November 14, 2017.

N/A

- [18] The application for and grant of a Special Use Permit for temporary vending of fireworks shall be subject to the following additional conditions.
 - [aa] Any site for a fireworks seasonal retailer must be located so that all parts of all facilities and fireworks inventory on the site are no closer than two hundred feet to any fuel source.
Acknowledged
 - [bb] No fireworks seasonal retailer shall be approved for any site within two hundred fifty feet of an establishment, which is licensed for on-site consumption of alcoholic beverages, or beer, as defined by state law. This measurement shall be made in a straight line without regard to intervening structures or objects from any structure, tent, or inventory storage area of a fireworks seasonal retailer to the nearest point of any structure or area where the alcoholic beverages or beer are licensed to be served.
Acknowledged
 - [cc] The sales period for a fireworks seasonal retailer location shall not be approved for a period that begins before June 28 or ends after July 5 and/or begins before December 26 and ends after January 2 of any year. No activity associated with the fireworks seasonal retailer shall be located on the property before June 22 or before December 21 and all materials including sales offices, tents, garbage, trash, etc., shall be removed from the lot on or before July 10 or January 7.

- Acknowledged**

 - [dd] Fireworks seasonal retailers must comply with all state and City laws and ordinances regarding the sale of fireworks, including but not necessarily limited to T.C.A. §68-104-101 and City Code §12.
Acknowledged
 - [ee] A fireworks seasonal retailer shall not be approved for a period of more than one calendar year.
Acknowledged
 - [ff] The applicant must obtain a tent permit for the fireworks tent.
Acknowledged
 - [gg] A fireworks seasonal retainer shall provide certification that the tent is flame-resistant or treated to be flame-resistant.
Acknowledged, certificate of flame resistance will be submitted with application.
 - [hh] A fire extinguisher shall be kept on-site at all times.
Acknowledged, a power base and water based extinguisher will be provided.
 - [ii] The City's fireworks ordinance shall be posted on-site.
Acknowledged, will be posted
 - [jj] No fireworks are to be set off on-site.
Acknowledged, this is against TNT company policy as well with property owners
 - [kk] The site must pass an electrical safety inspection prior to opening for business. An electrical permit must be purchased from the Building and Codes Department in order to obtain this inspection.
Acknowledged
- [20] The application for and grant of a Special Use Permit for the temporary vending of food, beverages, animals, produce, other merchandise and any other such temporary sales event that is not an accessory use to the principal use on a lot or a portion of a lot shall be subject to the following additional conditions: [aa] Tables, chairs, or other furniture that would allow or facilitate on-site consumption of food or beverages shall not be allowed on the site.
Acknowledged

Joey C. Rouse

Joey Rose
Regional Manager
TNT Fireworks
931-249-3109

MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

MARCH 24, 2021

PROJECT PLANNER: AUSTIN COOPER

Application: Z-21-003

Location: 2946 South Church Street

Applicant: Joey Rouse, for TNT Fireworks East

Owner: Kroger Limited Partnership

Zoning: Commercial Highway (CH)

Requests: A Special Use Permit in order to operate a temporary outdoor vending establishment (seasonal fireworks retailer)



Overview of Request

The applicant, Joey Rouse, representing TNT Fireworks East, wishes to operate a fireworks tent for the Fourth of July selling season from June 28, 2021 to July 5, 2021. The property is located at 2946 S Church St and is currently developed with a Kroger based shopping center. City of Murfreesboro Zoning Ordinance, Chart 1 (Uses Permitted by Zoning District) of the Murfreesboro Zoning Ordinance lists Fireworks Seasonal Retailer as a use allowed by Special Use Permit in the CH district. The applicant seeks a Special Use Permit from the Board in order to operate the proposed fireworks sales tent. The proposed tent is 30 feet by 60 feet and would be situated near the end of a row of parking remote from the building. This is a not a new site for fireworks sales but will be operated by a different owner. The applicant has provided a copy of the lease from the property owner granting the applicant permission to operate the fireworks tent. The site is surrounded on all sides by existing commercial development also zoned CH.

Relevant Zoning Ordinance Sections

Chart 1 of the City of Murfreesboro Zoning Ordinance allows seasonal fireworks retailers as a special use in the CH district. City of Murfreesboro Zoning Ordinance Section 9(D)(2)(eeee) sets forth standards for temporary vendors in addition to the Standards of General Applicability in Section 9(C).

The applicable standards are listed below with information from Staff on how the applicant intends to address them. After reviewing the criteria for the special use requirements for temporary vending uses, this project appears to meet the criteria.

Standards of General Applicability with Staff analysis:

- (1) 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 use is temporary, as proposed, it will have no adverse impact on the above-mentioned list.

- (2) 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:**

The temporary tent is far enough away from neighboring property and will not interfere with the regular operation of nearby businesses during this week.

- (3) The proposed buildings 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; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services:**

Staff believes this application will not hinder the above services. Parking on this site is in ample supply.

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

No features of significant natural, scenic, or historic importance have been identified on the subject property.

- (5) **The proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use:**

Additional standards for temporary vendors are listed below.

Additional Standards for Institutional Group Assembly Uses with Staff Analysis:

Temporary vendors shall be subject to the following additional standards:

- (1) **The application for a temporary vendor Special Use Permit shall include the signature of the owner of the property or the owner's authorized agent. The owner of the property may be the applicant if the owner is to be the operator of the temporary use.**

Included in the application.

- (2) **The site for a temporary vendor shall be improved to provide adequate parking as determined by the BZA and shall provide for an on-site turn around area so that backing onto the street will not be necessary. Parking areas shall have an asphalt, concrete, or other hard dustless surface. In the event the proposed location will be on the site of an existing permanent business, the applicant must provide verification that the parking spaces displaced by the temporary vendor (including areas for tents, trailers, inventory, and parking for the temporary vendor) will not total more than 25% of the total parking available on the site.**

There will be ample asphalt parking on site. The tent only blocks 14 spaces does not impede any travel lane. The Transportation Department has been consulted and will not require additional traffic measures.

- (3) **Traffic control measures may be required by the BZA. These may include a requirement that the applicant make provisions for directing traffic during expected peak hours of operation.**

The applicant is aware that additional traffic control measures could be required by the BZA. The Transportation Department has been consulted and will not require additional traffic measures

- (4) **Temporary facilities, including vehicles, trailers or tents, will be permitted provided they are erected or placed in conformance with all applicable Codes. Any tent must provide an emergency exit remote from the point of entrance into the tent. Vehicles, trailers, and tents must be located on an asphalt, concrete or hard dustless surface and in no event may be erected or placed on a gravel or grass area. All approved vehicles, trailers or tents must be maintained in good condition. Any vehicle, trailer or other moveable equipment used in connection with such temporary vendor shall be removed from the site at the conclusion of each business day. No such vehicle, trailer or equipment shall be removed and then be parked or stored in a residential area where such parking or storage is prohibited by ordinance or restrictive covenant. A vehicle or trailer may remain on the site overnight only if it is being used to provide security for items for sale remaining on the site, which items are not in a vehicle or trailer, provided the vehicle or trailer is constantly occupied or attended. The applicant shall be required to identify any vehicle, trailer or equipment to be used, and its overnight use and location, in the application.**

The applicant will have a vehicle that remains overnight for security reasons. This is not inconsistent with other fireworks applications. The applicant will need to identify the make and model of this vehicle.

- (5) Any site used for a temporary vendor must be located so that all parts of all facilities and sales inventory on the site are no more than five hundred feet from an operable fire hydrant.**

The site is 320 feet from an operable fire hydrant.

- (6) A deposit in the amount of five hundred dollars (\$500) per site shall be made with the Building and Codes Department. In the event the site has not been cleared and cleaned within the time specified, the deposit shall not be refunded. Additionally, unless the owner (and permit holder, if different) can prove good cause, the site shall not be eligible for other permits for temporary vendors, and the permit holder shall not be eligible for another temporary vendor Special Use Permit, for six (6) months for the first offense, twelve (12) months for the second offense and eighteen (18) months for the third and all subsequent offenses. Except as otherwise specifically provided herein in subsection [10], all sites must be cleared and cleaned within five (5) days after the expiration of the Special Use Permit.**

The applicant is aware of the deposit and the requirement to clean up the site after the selling season.

- (7) Adequate provision shall be made for restroom facilities on the property. Restroom facilities must be located on-site for all temporary vendor locations that include on-site overnight security. Portable toilets, if used, shall be located on the site and may not be located in any required front setback or in any required side yard. The BZA may approve the use of off-site restroom facilities provided they will be available during all business hours and provided that the applicant provides the written permission of the owner or manager of the off-site facilities.**

A portable toilet will be provided at the location.

- (8) The applicant shall post on the property documentation of the BZA's granting of a temporary vendor Special Use Permit for inspection by City officials or others during the course of the temporary use.**

The applicant will comply with this requirement.

- (9) No special use permit shall be granted to any applicant who occupies or proposes to occupy premises for the temporary vendor where conditions exist on the site which are in violation of the sign, building, fire, electrical, or other ordinances of the City. If any such violations occur after the issuance of the temporary vendor Special Use Permit and same are not cured within 24 hours after notice, the Special Use Permit may be suspended, revoked or terminated by written notice, any temporary electrical service may be interrupted, and the deposit may be forfeited. The written notice referenced in the previous sentence may be given by the Director of the Planning and Zoning Department, the Director of the Building and Codes Department, the City Manager or the Assistant City Manager. The City may, in addition, initiate any other enforcement remedies with respect to such violations as may be provided by law.**

The applicant stated he understands these requirements.

- (10) **Any electric meter installed on a freestanding permanent pole and/or any temporary pole installed to supply power to a temporary vendor shall be removed within 14 days after the Special Use Permit expires.**

This does not apply as the applicant will be using a generator on-site for power.

- (11) **Any site for a temporary vendor must be located so that all parts of all facilities and/or tents and all inventory are outside of any easements for electric power transmission or distribution.**

The site of the tent is not located in any easements.

- (12) **Adequate provision shall be made for solid waste management. If a dumpster is to be located on-site, it shall be located in such a manner as to minimize impact on adjoining properties or other businesses on the same lot of record.**

The applicant will provide a trash can on-site and will remove trash from the premises as needed.

- (13) **Signage for a temporary vendor shall conform to the requirements of the City's sign regulations including but not limited to an application for a sign permit and payment of applicable sign permit fees. The granting of a temporary vendor Special Use Permit shall not, by itself, allow any signage on the site in addition to that which was allowed prior to the granting of such permit.**

The applicant understands this requirement.

- (14) **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, quiet 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 shall not be permitted.**

The applicant will not use any noise amplification devices.

- (15) **A site may be used for temporary vending for no more than 70 days during any 12-month period. The BZA may approve a site to be used by multiple temporary vendors provided that no site shall be used by more than one temporary vendor at any time. A Special Use Permit for temporary vending shall expire at the end of one year after the date of approval. Notwithstanding the foregoing, a site which was approved by the Board of Zoning Appeals as a location for a temporary vendor of food or retail merchandise during the 12 months immediately preceding the effective date of this ordinance will continue to be an eligible site for a temporary vendor Special Use Permit for up to six months during any 12 month period provided all other conditions for site approval continue to be met, and provided further, that the eligibility of any such site for the issuance of an extended Special Use Permit shall end at the end of any 12 month period during which the site was not given approval for use by a temporary vendor of food or retail merchandise, or on March 24 2022, whichever shall first occur.**

The application is for 1 week only and will not exceed the amount of time stipulated above.

- (16) The BZA may require additional standards be met in order to assure compatibility of the proposed location with adjoining properties.**

The applicant will adhere to any additional requirements.

- (17) Notwithstanding subsections [2] and [4] above, a temporary vendor may be permitted to locate parking areas, tents and other facilities on lots with gravel surfaces if such gravel surfaced lots were legally established, in existence and had been used for temporary vending purposes prior to January 1, 2007 provided however that the exception in this subsection shall end on November 14, 2017.**

The parking lot consists of asphalt, not gravel.

- (18) The application for and grant of a Special Use Permit for temporary vending of fireworks shall be subject to the following additional conditions.**

- a. Any site for a fireworks seasonal retailer must be located so that all parts of all facilities and fireworks inventory on the site are no closer than two hundred feet to any fuel source.**

The site is 262 ft from the nearest fuel source.

- b. No fireworks seasonal retailer shall be approved for any site within two hundred fifty feet of an establishment, which is licensed for on-site consumption of alcoholic beverages, or beer, as defined by state law. This measurement shall be made in a straight line without regard to intervening structures or objects from any structure, tent, or inventory storage area of a fireworks seasonal retailer to the nearest point of any structure or area where the alcoholic beverages or beer are licensed to be served.**

There is no restaurant, bar or other place of business located within 250 feet of the temporary fireworks tent where onsite consumption of alcohol, beer or wine can occur.

- c. The sales period for a fireworks seasonal retailer location shall not be approved for a period that begins before June 28 or ends after July 5 and/or begins before December 26 and ends after January 2 of any year. No activity associated with the fireworks seasonal retailer shall be located on the property before June 22 or before December 21 and all materials including sales offices, tents, garbage, trash, etc., shall be removed from the lot on or before July 10 or January 7.**

The applicant is aware of this requirement and is seeking to operate from June 28th until July 5th. The proposed hours are 8am to 10pm with extended hours until midnight on July 3rd and 4th. This is consistent with the city ordinance regarding temporary firework sales.

- d. Fireworks seasonal retailers must comply with all state and City laws and ordinances regarding the sale of fireworks, including but not necessarily limited to T.C.A. §68-104-101 and City Code §12.**

The applicant will comply with this requirement.

- e. **A fireworks seasonal retailer shall not be approved for a period of more than one calendar year.**

The applicant is aware of this requirement. The request is only for the 4th of July selling season 2021.

- f. **The applicant must obtain a tent permit for the fireworks tent.**

The applicant is aware of this requirement.

- g. **A fireworks seasonal retainer shall provide certification that the tent is flame-resistant or treated to be flame-resistant.**

The applicant will comply with this requirement.

- h. **A fire extinguisher shall be kept on-site at all times.**

The applicant is aware of this requirement and will keep a fire extinguisher at the tent.

- i. **The City's fireworks ordinance shall be posted on-site.**

The applicant will comply with this requirement.

- j. **No fireworks are to be set off on-site.**

The applicant will comply with this requirement.

- k. **The site must pass an electrical safety inspection prior to opening for business. An electrical permit must be purchased from the Building and Codes Department in order to obtain this inspection.**

The applicant will comply with this requirement.

- (19) **The application for and grant of a Special Use Permit for the temporary vending of food, beverages, animals, produce, other merchandise and any other such temporary sales event that is not an accessory use to the principal use on a lot or a portion of a lot shall be subject to the following additional conditions: [aa] Tables, chairs, or other furniture that would allow or facilitate on-site consumption of food or beverages shall not be allowed on the site.**

No vending of food or beverage is proposed in this application.

Recommended Conditions of Approval:

- 1) The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.
- 2) The applicant shall keep and maintain a fire extinguisher on-site at all times.
- 3) The applicant shall keep the City's fireworks ordinance posted on-site at all times.
- 4) Fireworks shall not be set-off on site.
- 5) The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.

- 6) The fireworks tent shall meet all minimum building setback requirements for the CH zoning district and temporary firework vending standards. In addition, a tent permit must be purchased from the Building and Codes Department.

Attached Exhibits

1. Site photos
2. Letter of explanation from applicant
3. BZA Application
4. Site Sketch

Site Photo #1



Site Photo #2



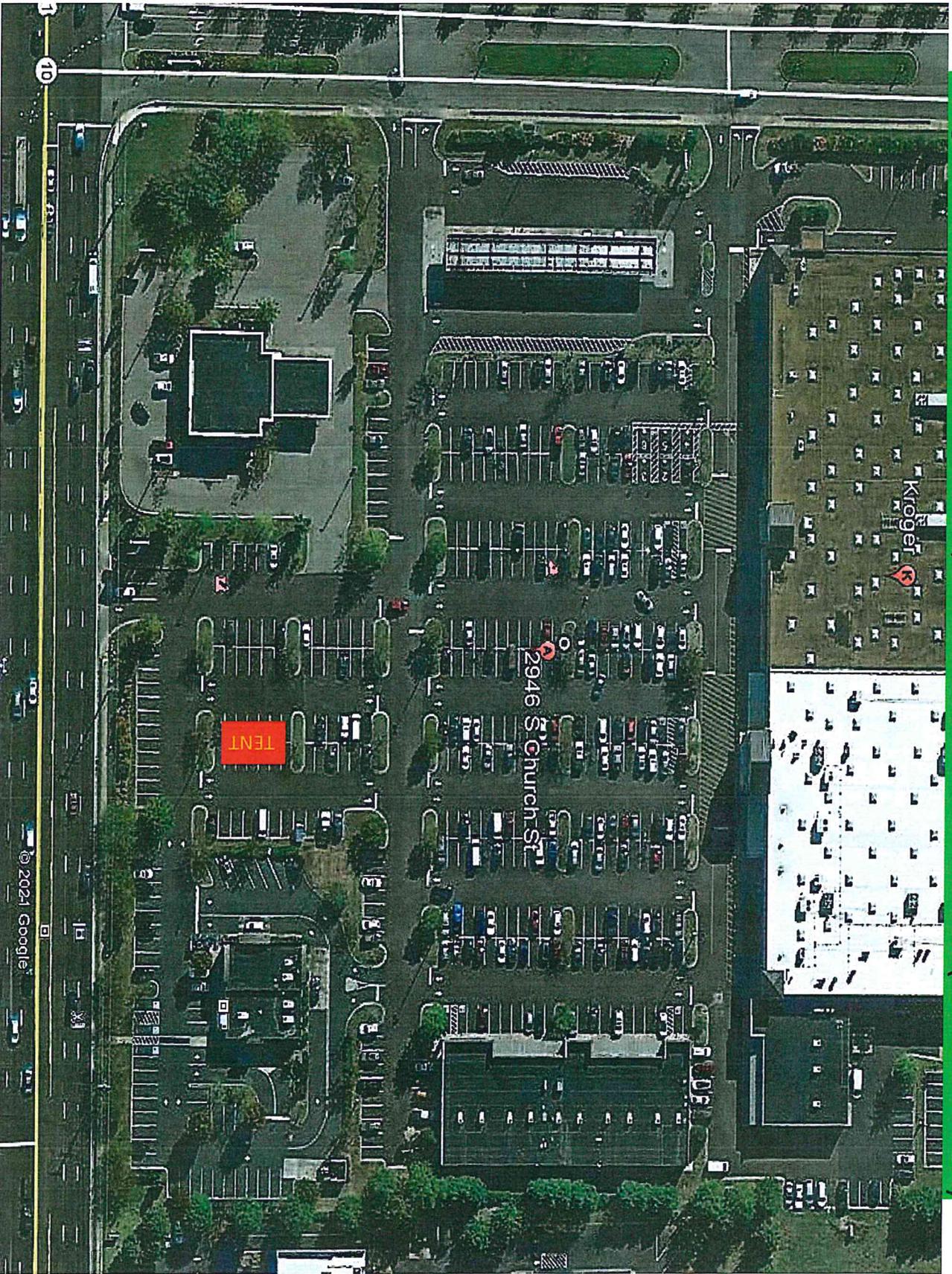
Site Photo #3



Site Photo #3



Kroger #543, 2946 S Church St, Murfreesboro TN 37127 (TENT 30 X 60)



City of Murfreesboro
BOARD OF ZONING APPEALS

HEARING REQUEST
APPLICATION

Location/Street Address: 2946 S Church St

Tax Map: 125 Group: 5.21 Parcel: 001 Zoning District: CH

Applicant: Joey Rouse E-Mail: rousej@tntfireworks.com

Address: 408 HWY 149 Phone: 931-249-3109

City: Clarksville State: TN Zip: 37040

Property Owner: Kroger Limited Partnership (Contact: Liz Harpole)

Address: 1014 Vine Street Phone: 720-635-5730

City: Cincinnati State: OH Zip: 45202

Request: To operate a seasonal Fireworks outlet from June 28 to July 5

Zoning District: Commercial Highway (CH)

Applicant Signature: *Joey C. Rouse* Date: 3/3/2021

Received By: *ACG* Receipt #: *040401*

Application #: *#350.21-003* Date: *3/4/2021*

Murfreesboro
Board of
Zoning Appeals



T E N N E S S E E

HEARING APPLICATION
AND
GENERAL INFORMATION

TNT Fireworks
408 Hwy 149
Clarksville, TN 37030
931-249-3109

Answers for BZA standards for: 2946 S Church St. Murfreesboro, TN 37129 (Kroger parking lot)

Along with everything you have provided for the BZA I will ask that you also submit a letter showing your ability to comply with the special requirements for temporary vendors in our zoning ordinance. The following is a list of items you will need to comply with so what you will need to provide is a short explanation for every item showing that you intend to comply with that individual regulation. If it doesn't apply, just write N/A. Thank you.

(C)Standards of general applicability. An applicant for a special 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;
- (2) 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;
- (3) that the proposed buildings 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; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services;
- (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; and,
- (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.

Site plan submitted, traffic, parking etc have been taken into account with setting up the proposed location. Location meets all requirements of the zoning ordinances.

(eeee) Temporary vendors, as described in Section 25(D)(4) of this article, are subject to the following additional standards:

- [1] The application for a temporary vendor Special Use Permit shall include the signature of the owner of the property or the owner's authorized agent. The owner of the property may be the applicant if the owner is to be the operator of the temporary use.
Copy of lease agreement with property owned will be supplied.

- [2] The site for a temporary vendor shall be improved to provide adequate parking as determined by the BZA and shall provide for an on-site turn around area so that backing onto the street will not be necessary. Parking areas shall have an asphalt, concrete, or other hard dustless surface. In the event the proposed location will be on the site of an existing permanent business, the applicant must provide verification that the parking spaces displaced by the temporary vendor (including areas for tents, trailers, inventory, and parking for the temporary vendor) will not total more than 25% of the total parking available on the site. [3] Traffic control measures may be required by the BZA. These may include a requirement that the applicant make provisions for directing traffic during expected peak hours of operation.

Location site plans show that we will occupy no more than 25% of the parking area and have sufficient turn around capabilities and will not obstruct the flow of traffic.

- [4] Temporary facilities, including vehicles, trailers or tents, will be permitted provided they are erected or placed in conformance with all applicable Codes. Any tent must provide an emergency exit remote from the point of entrance into the tent. Vehicles, trailers and tents must be located on an asphalt, concrete or hard dustless surface and in no event may be erected or placed on a gravel or grass area. All approved vehicles, trailers or tents must be maintained in good condition. Any vehicle, trailer or other moveable equipment used in connection with such temporary vendor shall be removed from the site at the conclusion of each business day. No such vehicle, trailer or equipment shall be removed and then be parked or stored in a residential area where such parking or storage is prohibited by ordinance or restrictive covenant. A vehicle or trailer may remain on the site overnight only if it is being used to provide security for items for sale remaining on the site, which items are not in a vehicle or trailer, provided the vehicle or trailer is constantly occupied or attended. The applicant shall be required to identify any vehicle, trailer or equipment to be used, and its overnight use and location, in the application.

Information for any vehicle on site after hours to provide overnight security will be identified on the application.

- [5] Any site used for a temporary vendor must be located so that all parts of all facilities and sales inventory on the site are no more than five hundred feet from an operable fire hydrant.

Tent is within 500' of a fire hydrant

- [6] A deposit in the amount of five hundred dollars (\$500) per site shall be made with the Building and Codes Department. In the event the site has not been cleared and cleaned within the time specified, the deposit shall not be refunded. Additionally, unless the owner (and permit holder, if different) can prove good cause, the site shall not be eligible for other permits for temporary vendors, and the permit holder shall not be eligible for another temporary vendor Special Use Permit, for six (6) months for the first offense, twelve (12) months for the second offense and eighteen (18) months for the third and all subsequent offenses. Except as otherwise specifically provided herein in

subsection [10], all sites must be cleared and cleaned within five (5) days after the expiration of the Special Use Permit.

Will pay a \$500 deposit on location and agree to leave the property cleaned.

- [7] Adequate provision shall be made for restroom facilities on the property. Restroom facilities must be located on-site for all temporary vendor locations that include on-site overnight security. Portable toilets, if used, shall be located on the site and may not be located in any required front setback or in any required side yard. The BZA may approve the use of off-site restroom facilities provided they will be available during all business hours and provided that the applicant provides the written permission of the owner or manager of the off-site facilities.

A port a jon will be provided at location and meet BZA set back requirements.

- [8] The applicant shall post on the property documentation of the BZA's granting of a temporary vendor Special Use Permit for inspection by City officials or others during the course of the temporary use.

Special us permit will be posted on site.

- [9] No special use permit shall be granted to any applicant who occupies or proposes to occupy premises for the temporary vendor where conditions exist on the site which are in violation of the sign, building, fire, electrical, or other ordinances of the City. If any such violations occur after the issuance of the temporary vendor Special Use Permit and same are not cured within 24 hours after notice, the Special Use Permit may be suspended, revoked or terminated by written notice, any temporary electrical service may be interrupted, and the deposit may be forfeited. The written notice referenced in the previous sentence may be given by the Director of the Planning and Zoning Department, the Director of the Building and Codes Department, the City Manager or the Assistant City Manager. The City may, in addition, initiate any other enforcement remedies with respect to such violations as may be provided by law.

Understood

- [10] Any electric meter installed on a freestanding permanent pole and/or any temporary pole installed to supply power to a temporary vendor shall be removed within 14 days after the Special Use Permit expires.

N/A (generators only)

- [11] Any site for a temporary vendor must be located so that all parts of all facilities and/or tents and all inventory are outside of any easements for electric power transmission or distribution.

Acknowledged

- [12] Adequate provision shall be made for solid waste management. If a dumpster is to be located on-site, it shall be located in such a manner as to minimize impact on adjoining properties or other businesses on the same lot of record.

Acknowledged

- [13] Signage for a temporary vendor shall conform to the requirements of the City's sign regulations including but not limited to an application for a sign permit and payment of applicable sign permit fees. The granting of a temporary vendor Special Use Permit shall

not, by itself, allow any signage on the site in addition to that which was allowed prior to the granting of such permit.

Acknowledged

- [14] 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, quiet 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 shall not be permitted.

N/A

- [15] A site may be used for temporary vending for no more than 70 days during any 12 month period. The BZA may approve a site to be used by multiple temporary vendors provided that no site shall be used by more than one temporary vendor at any time. A Special Use Permit for temporary vending shall expire at the end of one year after the date of approval. Notwithstanding the foregoing, a site which was approved by the Board of Zoning Appeals as a location for a temporary vendor of food or retail merchandise during the 12 months immediately preceding the effective date of this ordinance will continue to be an eligible site for a temporary vendor Special Use Permit for up to six months during any 12 month period provided all other conditions for site approval continue to be met, and provided further, that the eligibility of any such site for the issuance of an extended Special Use Permit shall end at the end of any 12 month period during which the site was not given approval for use by a temporary vendor of food or retail merchandise, or on November 14, 2017, whichever shall first occur.

Acknowledged

- [16] The BZA may require additional standards be met in order to assure compatibility of the proposed location with adjoining properties.

Acknowledged

- [17] Notwithstanding subsections [2] and [4] above, a temporary vendor may be permitted to locate parking areas, tents and other facilities on lots with gravel surfaces if such gravel surfaced lots were legally established, in existence and had been used for temporary vending purposes prior to January 1, 2007 provided however that the exception in this subsection shall end on November 14, 2017.

N/A

- [18] The application for and grant of a Special Use Permit for temporary vending of fireworks shall be subject to the following additional conditions.

- [aa] Any site for a fireworks seasonal retailer must be located so that all parts of all facilities and fireworks inventory on the site are no closer than two hundred feet to any fuel source.

Acknowledged

- [bb] No fireworks seasonal retailer shall be approved for any site within two hundred fifty feet of an establishment, which is licensed for on-site consumption of alcoholic beverages, or beer, as defined by state law. This measurement shall be made in a straight line without regard to intervening structures or objects from any structure, tent,

or inventory storage area of a fireworks seasonal retailer to the nearest point of any structure or area where the alcoholic beverages or beer are licensed to be served.

Acknowledged

- [cc] The sales period for a fireworks seasonal retailer location shall not be approved for a period that begins before June 28 or ends after July 5 and/or begins before December 26 and ends after January 2 of any year. No activity associated with the fireworks seasonal retailer shall be located on the property before June 22 or before December 21 and all materials including sales offices, tents, garbage, trash, etc., shall be removed from the lot on or before July 10 or January 7.

Acknowledged

- [dd] Fireworks seasonal retailers must comply with all state and City laws and ordinances regarding the sale of fireworks, including but not necessarily limited to T.C.A. §68-104-101 and City Code §12.

Acknowledged

- [ee] A fireworks seasonal retailer shall not be approved for a period of more than one calendar year.

Acknowledged

- [ff] The applicant must obtain a tent permit for the fireworks tent.

Acknowledged

- [gg] A fireworks seasonal retainer shall provide certification that the tent is flame-resistant or treated to be flame-resistant.

Acknowledged, certificate of flame resistance will be submitted with application.

- [hh] A fire extinguisher shall be kept on-site at all times.

Acknowledged, a power base and water based extinguisher will be provided.

- [ii] The City's fireworks ordinance shall be posted on-site.

Acknowledged, will be posted

- [jj] No fireworks are to be set off on-site.

Acknowledged, this is against TNT company policy as well with property owners

- [kk] The site must pass an electrical safety inspection prior to opening for business. An electrical permit must be purchased from the Building and Codes Department in order to obtain this inspection.

Acknowledged

- [20] The application for and grant of a Special Use Permit for the temporary vending of food, beverages, animals, produce, other merchandise and any other such temporary sales event that is not an accessory use to the principal use on a lot or a portion of a lot shall be subject to the following additional conditions: [aa] Tables, chairs, or other furniture that would allow or facilitate on-site consumption of food or beverages shall not be allowed on the site.

Acknowledged

Joey C. Rouse

Joey Rouse
Regional Manager
TNT Fireworks
931-249-3109

MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

March 24, 2021

PROJECT PLANNER: AUSTIN COOPER

Application: Z-21-004

Location: 2901 South Church Street

Applicant: H.C. Klover Architects

Owner: Edward & Ruth Smotherman

Zoning: Commercial Fringe (CF)

Requests: A special use permit in order to operate drive-thru elements within 200 feet of a residentially zoned property



Overview of Request

The applicant H.C. Klover Architects, wishes to operate an ordering system to accommodate a drive-thru restaurant at this location that would be within 200 feet of a residential zone. The property is located at 2901 S Church St and is currently a single-family residence. City of Murfreesboro Zoning Ordinance, Section 21 Subsection Commercial Fringe District (B)(2) states that the Board of Zoning Appeals may approve reduced separations for a drive-up window to RS (single family residential) zoned property with approval of a Special Use Permit.

The applicant seeks a Special Use Permit from the Board in order to deviate from the separation distance by 117 feet. The proposed audible order box is 94 feet from the property line at the rear and the drive-thru lane itself is 83 feet from the property line at the rear. The property to the north is zoned PUD and is Murfreesboro Fire Station 2. The property to the west is zoned CH and the property to the South is zoned CF. To the east is the property zoned PRD as a single-family subdivision.

Relevant Zoning Ordinance Sections

City of Murfreesboro Zoning Ordinance, Section 21 Subsection Commercial Fringe District (B)(2) states that the Board of Zoning Appeals may approve separations less than those required as a special use for developments having drive-up windows. City of Murfreesboro Zoning Ordinance sets forth the Standards of General Applicability in Section 9(C).

The applicable standards are listed below with information from Staff on how the applicant intends to address them.

Standards of General Applicability with Staff analysis:

- (1) 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 use will have no adverse impact on the above-mentioned list.

- (2) 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:**

The building is designed to face west onto South Church Street, consistent with neighboring parcels. It will meet all City of Murfreesboro design guidelines and be a compatible addition to the area. The site will be self-sufficient within the property lines and cause no interference to adjacent properties with the mitigation effort.

- (3) The proposed buildings 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; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services:**

The parcel is currently adequately served by all essential utilities and infrastructure. The proposed building is a higher intensity than the existing single-family residence, and the utilities will be designed to ensure the continuation of adequate service. The site will be

utilizing above-ground and underground detention to ensure adequate drainage, and the tenants will be provided with the refuse disposal and all required fire protection.

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

The existing site has not been determined to contain any significant natural, scenic or historic features, and thus building will not be of any disturbance.

(5) The proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use:

The proposed development intends to comply with all additional standards imposed by the city of Murfreesboro Planning and Zoning Department, subject to the approval of the special use requested.

Commercial Fringe District (CF) District:

(B)(2) Use Regulations – Additional Limitations and Conditions for Drive-Up Windows in CF:

Drive-up windows shall be permitted only when developments with such are located a minimum distance of two hundred feet from any property line of land zoned in the RS, RD, RSA, or PRD classification or the residential portion of land zoned in the PUD classification. The required distance shall be measured from the closest part of the drive-up window use including the queuing lanes to the land zoned in the RS, RD, RS-A, PRD or PUD (if applicable) classification. Upon application in the manner described in Section 8 of this article, the Board of Zoning Appeals may approve separations less than those required by subsection (8)(2) as a special use for developments having drive-up windows. In making application to the BZA, the applicant must demonstrate that the drive-up window and associated queuing lane, menu boards, on-site circulation, and ordering system will not have an adverse impact on the property zoned RS, RD, RS-A, or PRD or the residential portion of land zoned in the PUD classification. The BZA may consider any factor having a bearing on the impact of such use on the residential uses including, but not limited to, the actual distance of separation, the site design and arrangement, proposed screening and buffering, the intended use, orientation of the structures and site elements, traffic conditions, hours of operation, and sounds and smells associated with the intended use, if any. As with any special use, the BZA may place appropriate conditions upon its approval to assure compatibility of the proposed use with the property in the RS, RD, RS-A, or PRD classifications or the residential portion of land zoned in the PUD classification.

Panda Express site plan depicts the drive-through lane as 83 feet from the nearest residentially zoned property line, and the audible order box is 94 feet from that same property line. The applicant has committed to a bermed landscaping buffer, the required landscape buffer is a minimum Type D, 15 feet wide. Staff is recommending the BZA consider requiring a solid fence along the east property line to provide additional mitigation for any noise or other nuisance created by the drive through ordering and queuing lane.

The Panda Express requests that the call box be used 7 days a week, with hours ranging between 10:30 AM and 9:30 PM. It is expected that the Panda Express will serve 400 customers each day, with 50% utilizing the drive-through.

Recommended Conditions of Approval:

- 1) Applicant shall apply for and obtain approval of a site plan prior to the application of a building permit.
- 2) Site Plan shall incorporate a landscaped buffer (Type D) with a berm along the east property line.
- 3) Site Plan include a solid, opaque fence, minimum 6 feet height along the east property line.
- 4) Drive-through window shall be closed and may not be open or operate between the hours of 10:00 PM to 7:00 AM daily.

Attached Exhibits

1. Site photos
2. Letter of explanation from applicant
3. BZA Application
4. Site Plan

Site Photo #1



Site Photo #2



Site Photo #3



Site Photo #4



PROJECT CONTACTS

DEVELOPER:
 PANDA EXPRESS
 1683 WALNUT GROVE AVE.
 ROSEMEAD, CALIFORNIA 91770
 PHONE: (626) 799-8898
 FAX: (626) 372-8288

LANDSCAPE ARCHITECT:
 KITA SUSTAINABLE DESIGNS, LLC
 2101 MASTERS DRIVE
 SPRINGFIELD, TN 37172
 PH. 615.469.1222

FIRE DEPARTMENT:
 MURFREESBORO FIRE MARSHALL
 CARL PEAS
 220 NW BROAD ST.
 MURFREESBORO, TN 37130
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PLANNING AND ZONING AGENCY:
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 111 WEST VINE STREET
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 615-893-6441
 E-MAIL: mgreen@murfreesoroh.gov

ENGINEERING DEPARTMENT:
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ENGINEER:
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 ARNOLD CONSULTING
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 (270) 535-7651
 E-MAIL: dwhitley@acs.com

BUILDING DEPARTMENT:
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 PLANS EXAMINER
 111 WEST VINE STREET
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 E-MAIL: bhardison@murfreesoroh.gov

DEPARTMENT OF TRANSPORTATION:
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 E-MAIL: knoel@murfreesoroh.gov

OWNER:
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 ARNOLD CONSULTING
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 (270) 535-7651
 E-MAIL: dwhitley@acs.com

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SIGNAGE:
 TERESA STEVENS
 111 WEST VINE STREET
 MURFREESBORO, TN 37130
 615-893-6441
 E-MAIL: TStevens@murfreesoroh.gov

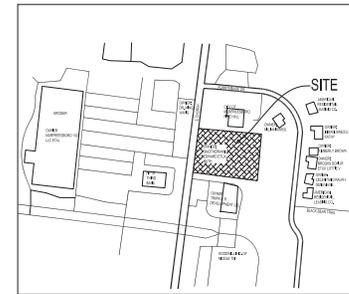
TELEPHONE COMPANY:
 AT&T

WATER DEPARTMENT/AGENCY:
 GREG HARVEY
 220 N.W. BROAD STREET
 MURFREESBORO, TN 37133
 615-648-3200
 E-MAIL: gharvey@murfreesoroh.gov

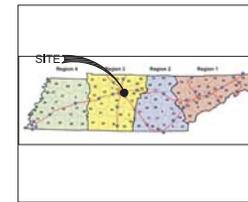
**SPECIAL PERMIT
 FOR**



PANDA EXPRESS
 2901 S. CHURCH STREET,
 MURFREESBORO, TN
 37127



LOCATION MAP
 NOT TO SCALE



REGIONAL MAP
 NOT TO SCALE



Civil Engineering Services
 7705 Spicer Farm Lane phone: (615) 533-0401
 Fairview, Tennessee fax: (615) 523-8865
 37062 e-mail: ray@civilengineeringservices.net
Engineering, Land Planning, and Environmental

PREPARED FOR:
 PANDA EXPRESS INC.
 1683 WALNUT GROVE AVE.
 ROSEMEAD, CALIFORNIA 91770
 PHONE: 626.799.9898
 FAX: 626.372.8288

SHEET INDEX		
ID.	TITLE	STATUS (REGULAR / PERMIT / MODIFIED)
C01.0	CN'L COVER SHEET	●
C02.1	SITE PLAN	●
L01.0	LANDSCAPE PLAN	●
L01.1	LANDSCAPE PLAN	●
A-100	BUILDING ELEVATIONS 1	●
A-101	BUILDING ELEVATIONS 2	●

SITE DATA TABLE

COUNTY:
 RUTHERFORD

ZONING:
 CP

SITE USE:
 RESTAURANT, DRIVE-IN

REQUIRED BUILDING SETBACKS:
 FRONT (F) = 4'
 REAR (R) = 20'
 SIDE (S) = 10'

SITE USE: RESTAURANT, DRIVE-IN
 1 SPACE FOR EACH 100 SQUARE FEET OF F.A. OR 1 SPACE FOR EVERY 2 SEATS PROVIDED ON THE PREMISES, WHICHEVER IS GREATER.

SEATS: 68 = 34 SPACES
 F.A. 2,300 SF = 23 SPACES
 PARKING SPACES REQUIRED = 34
 PARKING SPACES # 82
 HANDICAP SPACES # 2
 TOTAL SPACES # 82
 BUILDING HEIGHT 22' @ TALL (1 STORY TALL)

PARKING RESTAURANT: 1 SPACE PER 100 SQFT OF FLOOR AREA OR 1 SPACE PER 2 SEATS.
 RETAIL: 1 SPACE PER 200 SQFT OF FLOOR AREA
 PARKING REQUIRED = 64
 TOTAL REGULAR STALLS PROVIDED PANDA EXPRESS = 43
 HANDICAP = 2

REQUIRED PARKING SETBACKS:
 FRONT # 0
 REAR # 20'
 SIDE (A) # 5'
 SIDE (B) # 0'

FLOOD HAZARD:
 FURZEL MAP NO. 4748020270L DATED JANUARY 5, 2007, ZONE "X"



PANDA EXPRESS, INC.
 1683 Walnut Grove Ave.
 Rosemead, California
 91770
 Telephone: 626.799.8898
 Facsimile: 626.372.8288

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REVISIONS:

ISSUE DATE:

XXXX	XX-XX-XXXX

DRAWN BY: PTD

PANDA PROJECT #: - XX-XX-XXXX
PANDA STORE #: - XXXXXX
PARTNER #: - 20-291366.3

Civil Engineering Services
Engineering, Land Planning, and Environmental

CES 7705 Spicer Farm Lane
 Fairview, Tennessee
 37062
 Phone: (615) 533-0401
 e-mail: ray@civilengineeringservices.net

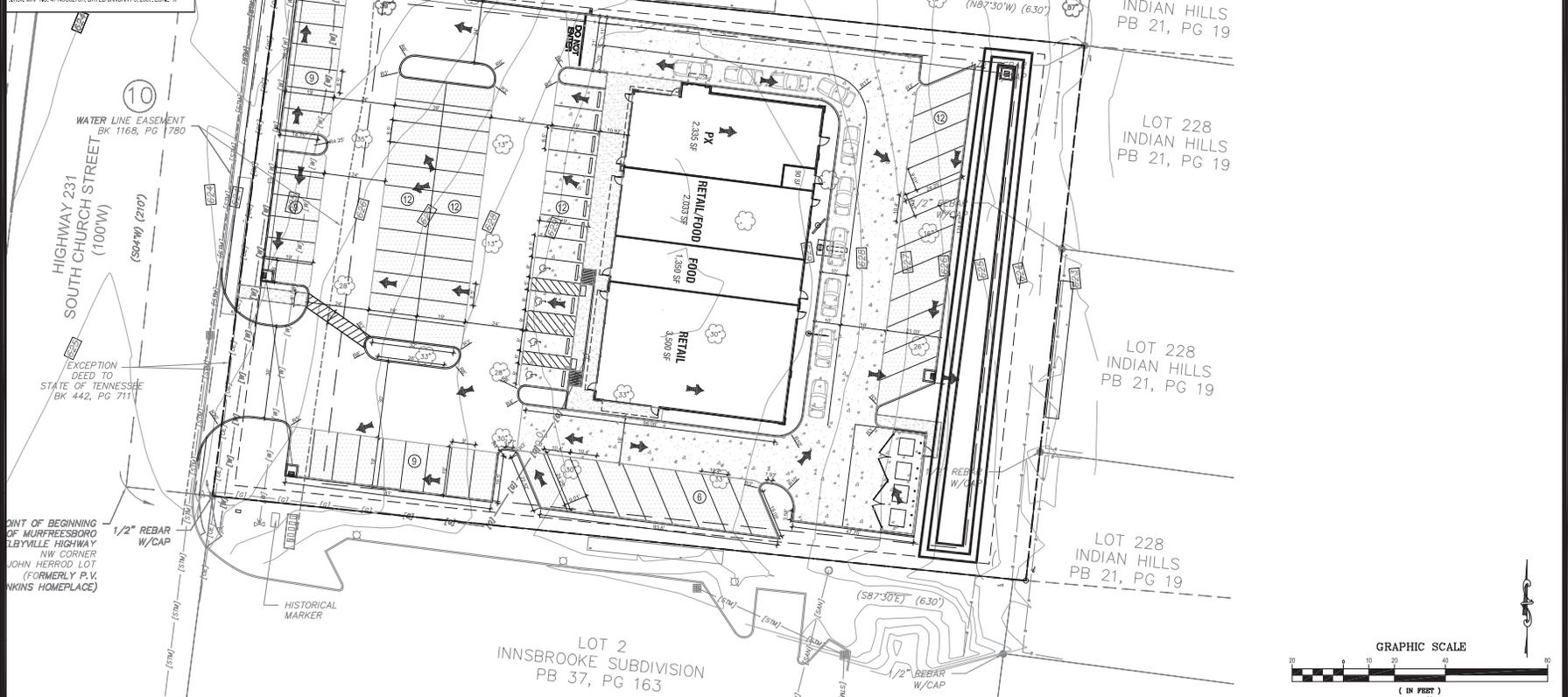
PANDA EXPRESS
 2901 S. CHURCH ST.
 MURFREESBORO, TN. 37127

TRUE WARM & WELCOME 2300-2020

COVER SHEET
C01.0

COUNTY: RUTHERFORD
 ZONING: C-2
 SITE USE: RESTAURANT, DRIVE-IN
 REQUIRED BUILDING SETBACKS:
 FRONT: 15'-0"
 REAR: 10'-0"
 SIDE: 10'-0"
 SIDE: 10'-0"
 SEE USE: RESTAURANT, DRIVE-IN
 SPACE FOR EACH 100 SQUARE FEET OF F.A. OR 1 SPACE FOR EVERY 7 SEATS PROVIDED ON THE PREMISES, WHICHEVER IS GREATER.
 SEATING: 60 + 34 SPACES
 F.A. 2,300 SF + 23 SPACES
 PARKING SPACES REQUIRED = 34
 PARKING SPACES = 32
 HANDICAP SPACES = 2
 TOTAL SPACES = 60
 BUILDING HEIGHT: 22' 6" TALL (1 STORY TALL)
 PARKING:
 RESTAURANT: 1 SPACE PER 100 SQFT OF FLOOR AREA OR 1 SPACE PER 2 SEATS.
 RETAIL: 1 SPACE PER 200 SQFT OF FLOOR AREA
 PARKING REQUIRED = 34
 TOTAL REGULAR STALLS PROVIDED PANDA EXPRESS # 43
 HANDICAP # 2
 REQUIRED PARKING SETBACKS:
 FRONT # 8
 REAR # 20
 SIDE (A) # 5
 SIDE (S) # 5
 FLOOD HAZARDS:
 FERRIS MAP NO. 47149C0279H, DATED JANUARY 5, 2007, ZONE "X"

PROPOSED SITE LEGEND
 (1) PARKING STALL COUNT - SEE PLAN
 LIGHT DUTY CONCRETE PAVING - SEE DETAIL SHEET SECTION (C03.1)
 HEAVY DUTY CONCRETE PAVING - SEE DETAIL SHEET SECTION (C03.1)
 CONCRETE SIDEWALK - SEE DETAIL SHEET (C03.2)
 CONCRETE PAVING AT DUMPSTER ENCLOSURE, DRIVE THRU AND PARKING ACROSS BUILDING FOR GEOTECHNICAL REPORT
 HANDICAP PARKING
 DIRECTIONAL ARROWS
 PROPOSED CURBS AND GUTTER AT CONCRETE - MONOLITHIC AT CONCRETE PAVEMENT - SEE DETAIL SHEET (C03.1)
 PROPOSED DRAINAGE FLOW ARROWS



PANDA EXPRESS, INC.
 1633 Walnut Grove Ave.
 Rosemead, California
 91770
 Telephone: 626.799.8888
 Facsimile: 626.372.8289

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REVISIONS:

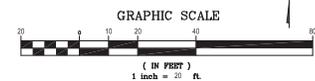
ISSUE DATE:

XXXX	XX-XX-XXXX

DRAWN BY: PTD
 PANDA PROJECT #: - XX-XX-XXXX
 PANDA STORE #: - XXXXX
 PARTNER #: - 20-291366.3

Civil Engineering Services
 Engineering, Land Planning,
 and Environmental
CES
 7705 Spiker Farm Lane
 Falkville, Tennessee
 37062
 Phone: (615) 553-0401
 e-mail: ces@civilengineeringks.com

PANDA EXPRESS
 2901 S. CHURCH ST.
 MURFREESBORO, TN. 37127
 TRUE WARM & WELCOME 2300-2020



FLOOD STATEMENT
 A FIELD SURVEY WAS NOT CONDUCTED TO DETERMINE THE FLOOD ZONE AREAS. ANY FLOOD ZONE LINES DISTINGUISHING BETWEEN FLOOD AREAS ARE GRAPHICALLY PLOTTED FROM FEMA FLOOD INSURANCE RATE MAPS (FIRM). A FLOOD ELEVATION CERTIFICATE MAY BE NEEDED TO DETERMINE OR VERIFY THE LOCATION OF THE FLOOD AREAS. THE SUBJECT PROPERTY'S COMMUNITY DOES PARTICIPATE IN THE PROGRAM. IT IS DETERMINED THAT THE SUBJECT PROPERTY RESIDES IN THE FOLLOWING FLOOD ZONING AS DETERMINED BY OR SHOWN BY FIRM COMMUNITY PANEL NO. 47149C0279H DATED 01/05/2007 AND IS NOT IN A FLOOD ZONE AREA. THE FLOOD INSURANCE RATE PROGRAM WAS CONTACTED ON 6-24-2020 BY EMAIL (www.fema.gov)

SPECIAL USE PERMIT
C02.1

EXTERIOR FINISH SCHEDULE				
SYMBOL	MATERIAL	MANUFACTURER	COLOR	TEXTURE / FINISH
BR-1	BRICK	ALICE KING SIZE TRIM BRICK	DOVE GRAY	VELVET
BR-2	BRICK	ALICE KING SIZE TRIM BRICK	DOVE	VELVET
CS-1	CAPT STONE	TRC	TRC	---
EPS-1	EPS	STO	BR TALK - BKA-020	PAF
EPS-2	EPS	STO	BR 6148 - WOL-020	PAF
EPS-3	EPS	STO	BR TALK - CTR-020	PAF
FP-1	FLYER CLAMPFAST PANEL	PERKIN	2024 PERKIN TONE BROWN ANOXA MA	NON-SLIP
AL-1	ALUMINUM	DEWOLF	WAL-020	---
BL-1	BLAZING	TRC	DRK BRONZ	ACROSS
ST-1	STONE VENEER	CORCORAN STONE	SHALE GRAY	INDUSTRIAL USE
ST-2	STONE CAP	CORCORAN STONE	#2 BRK	NOI BONES



ELEVATIONS

SCALE: 1/8" = 1'-0"

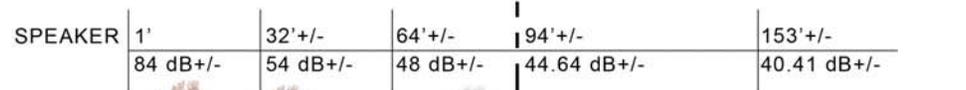
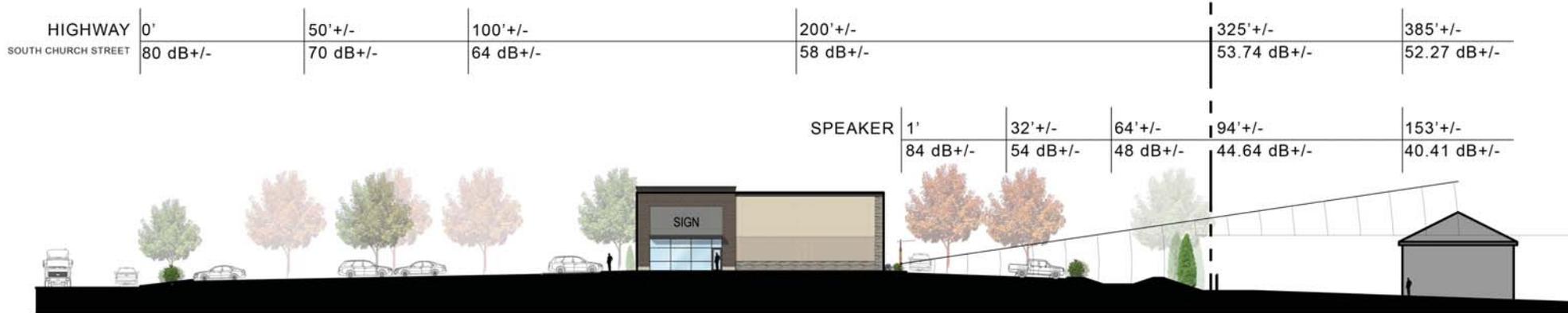
EXTERIOR FINISH SCHEDULE				
SYMBOL	MATERIAL	MANUFACTURER	COLOR	TEXTURE / FINISH
BK-1	BRICK	ACME KING SIZE TRN BRICK	DOVE GRAY	VELVET
BK-2	BRICK	ACME KING SIZE TRN BRICK	DOVE	VELVET
CS-1	CAPT STONE	TRN	TRN	---
EP-1	EPF	STO	BR TANK - BKA ORE	PAF
EP-2	EPF	STO	BR 4-1/2" - WOL BKN	PAF
EP-3	EPF	STO	BR TANK - CTRGRATE	PAF
FP-1	FRSE CLAMPOUT PANEL	PEREON	GRN PINKN TDRK BRWN ANCOA MA	NON-SLIP/COLE
AL-1	ALUMINUM	BERNOLD	BRN-GRY	ANODIZED
BL-1	BLAZING	TRN	DRK BRNKT	ANODIZED
ST-1	STONE VENEER	CORONADO STONE	SHALE GRAY	INDUSTRIAL USEF
ST-2	STONE CAP	CORONADO STONE	#2 GRAY	INDUSTRIAL



NORTH ELEVATION ②
SCALE: 1/8" = 1'-0"



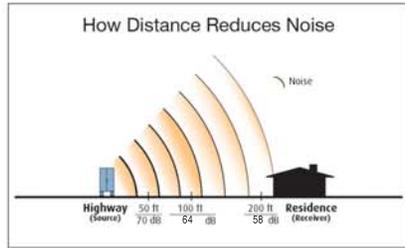
EAST ELEVATION ①
SCALE: 1/8" = 1'-0"



SITE SECTION 2
SCALE: 1"=30'-0"

Typical Noise Levels

Common Outdoor Activities	dB(A)	Common Indoor Activities
Jet Engine, 300m (100ft)	110	Rock Band
Gas Lawn Mower, 1m (3ft)	100	
Diesel Truck, 15m (50ft) at 80km/hr (50 mph)	90	Food Blender, 1m (3ft)
Noisy Urban Area, Daytime	80	Garbage Disposal, 1m (3ft)
Gas Lawn Mower, 30m (100ft)	70	Vacuum Cleaner, 3m (10ft)
Commercial Area	70	Normal Speech, 1m (3ft)
Heavy Traffic, 90m (300ft)	60	Large Business Office
Quiet Urban Daytime	50	Dishwasher Next Room
Quiet Urban Nighttime	40	Theater, Large Conference Room (Background)
Quiet Suburban Nighttime	30	Library
Quiet Rural Nighttime	20	Bedroom at Night
	10	Concert Hall (Background)
	10	Broadcast/Recording Studio
Lowest Threshold of Human Hearing	0	Lowest Threshold of Human Hearing



Calculations based on 'Inverse Square Law':
In a free field – a doubling of the distance from a noise source reduces the sound pressure level by 6 decibels.



SITE SECTION 1
SCALE: 1"=20'-0"

DD

MURFEESBURO, TN

20045.003 | CFT NV DEVELOPMENTS, LLC



City of Murfreesboro
BOARD OF ZONING APPEALS

HEARING REQUEST
APPLICATION

Location/Street Address: 2901 South Church Street

Tax Map: 125 Group: n/a Parcel: 01.00 Zoning District: CF

Applicant: H.C. Klover Architects E-Mail: hcpermitting@klover.net

Address: 8813 Penrose Lane, Suite 400 Phone: 913-649-8181

City: Lenexa State: KS Zip: 66219

Property Owner: Edward & Ruth Smotherman

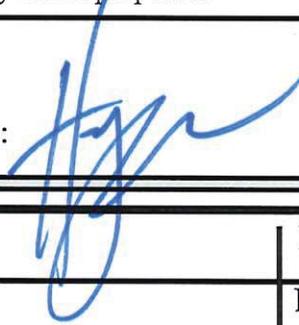
Address: 2901 S. Church Street Phone: N/A

City: Murfreesboro State: TN Zip: 37127

Request: Special Use Permit - Relief from ordinance requiring drive-thru elements to be
200 feet from residentially zoned properties

Zoning District: CF

Applicant Signature:



Date: 3/5/21

Received By:

Receipt #:

Application #:

Date:

Murfreesboro
Board of
Zoning Appeals



T E N N E S S E E

HEARING APPLICATION
AND
GENERAL INFORMATION

INTRODUCTION:

The Board of Zoning Appeals hears appeals of the requirements of the Zoning and Sign Ordinances, appeals from administrative decisions, and requests for Special Exception uses listed on Chart 1 of the Zoning Ordinance.

VARIANCES:

Required yard and height variances may be granted in accordance with Section 10 of the Zoning Ordinance in cases where the strict application of the ordinance imposes hardship or practical difficulty on the property owner due to the unusual character of the property, which makes compliance extraordinarily difficult or impossible. *Financial hardships will not be considered.*

Variances of the Sign Ordinance may be granted in cases where the strict application of the ordinance imposes hardship or practical difficulties as a result of unusual characteristics of the applicant's property, which make compliance extraordinarily difficult or impossible. *Financial hardships will not be considered.*

SPECIAL USE PERMITS:

Special use permits may be granted in accordance with Sections 8 and 9 of the Zoning Ordinance for uses specified in Chart 1 of the Zoning Ordinance.

APPEALS FROM ADMINISTRATIVE DECISIONS:

The Board of Zoning Appeals has authority to hear appeals from any order, requirement, decision, or determination by any department, office, or bureau responsible for the administration of the Zoning or Sign Ordinances.

APPLICATION PROCESS:

The owner or other party having contractual interest in the affected property must file an application with the Board's secretary no later than 3:00 PM on the submittal deadline date on the official BZA Calendar.

The applicant must submit the following:

1. A completed application (included on this brochure).
2. A \$350 application fee; or in the case of a special meeting, a \$450 application fee (checks to be made payable to the City of Murfreesboro).
3. Supporting materials which should include:

-- For special use permits, a site plan indicating the location of all existing and proposed structures, parking spaces, access points, fences, driveways, and property lines. Home occupation requests should include a statement of the proposed hours of operation, the volume of traffic anticipated, and the nature of the

business. Day-care centers should include a statement from the Department of Human Services that such center can be licensed by the State.

-- For yard variance requests, a site plan showing all existing and proposed structures, property lines, and the distance between structures and the property lines.

-- For appeals from administrative decisions, a statement indicating the order, requirement, decision, or determination being appealed and a statement setting forth the applicant's argument.

-- Additional information may be required at the discretion of the Board's Secretary.

MEETING TIME AND PLACE:

The Board of Zoning Appeals meets once a month at 1:00 PM in the Council Chambers located in the City Hall Building at 111 West Vine Street. See BZA Calendar for meeting dates.

MEMBERSHIP

Davis Young, Chairman	Julie R.P. King
Ken Halliburton, Vice-Chair	Tim Tipps
Misty Foy	

STAFF

Matthew Blomeley, Asst Planning Director
Teresa Stevens, Sign Administrator
David Ives, Assistant City Attorney
Brenda Davis, Recording Assistant



March 5, 2021

City of Murfreesboro Board of Zoning Appeals
111 W. Vine Street
Murfreesboro, TN 37130

To Whom it May Concern

Please let this letter serve as a formal request for a Special Use Permit for the proposed multi-tenant building at 2901 South Church Street, APN: 125-010.00-000. The proposed building would have 4 tenants and total 9,300 SF. One tenant, Panda Express, will have a drive-thru that does not meet the 200 foot separation between its ordering elements and the properties to the east, which are zoned PRD. Criteria for approval and our responses are below.

- 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 property has been recently zoned CF, Commerical Fringe. A multitenant building, with tenants such as retail, offices and restaurants, is a permitted use for the zoning classification. It will be self-sufficient in terms of parking and utilities, and be consistent with the commercial area along South Church Street. There will be no substantial adverse effects to adjacent properties in terms of traffic, public health, safety or general welfare with the mitigation efforts outlined in number 6 below.

- 2. 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;**

The building is designed to face west onto South Church Street, consistent with neighboring parcels. It will meet all City of Murfreesboro design guidelines and be a compatible addition to the area. The site will be self sufficient within the property lines and cause no interference to adjacent properties with the mitigation effort

3. that the proposed buildings 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; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services;

The parcel is currently adequately served by all essential utilities and infrastructure. The proposed building is a higher intensity than the existing single-family residence, and the utilities will be designed to ensure the continuation of adequate service. The site will be utilizing above-ground and underground detention to ensure adequate drainage, and the tenants will be provided with the refuse disposal and all required fire protection.

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; and,

The existing site has not been determined to contain any significant natural, scenic or historic features, and thus the building will not be of any disturbance.

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.

The proposed development intends to comply with all additional standards imposed by the City of Murfreesboro Planning & Zoning Department, subject to the approval of the special use requested.

6. Drive-up windows shall be permitted only when developments with such are located a minimum distance of two hundred feet from any property line of land zoned in the RS, RD, RS-A, or PRD classification or the residential portion of land zoned in the PUD classification. The required distance shall be measured from the closest part of the drive-up window use including the queuing lanes to the land zoned in the RS, RD, RS-A, PRD or PUD (if applicable) classification. Upon application in the manner described in Section 8 of this article, the Board of Zoning Appeals may approve separations less than those required by subsection (B)(2) as a special use for developments having drive-up windows. In making application to the BZA, the applicant must demonstrate that the drive-up window and associated queuing lane, menu boards, on-site circulation, and ordering system will not have an adverse impact on the property zoned RS, RD, RS-A, or PRD or the residential portion of land zoned in the PUD classification. The BZA may consider any factor having a bearing on the impact of such use on the residential uses including, but not limited to, the actual distance of separation, the site design and arrangement, proposed screening and buffering, the intended use, orientation of the structures and site elements, traffic conditions, hours of operation, and sounds and smells associated with the intended use, if any. As with any special use, the BZA may place appropriate conditions upon its approval to assure compatibility of the proposed use with the property in the RS, RD, RS-A, or PRD classifications or the residential portion of land zoned in the PUD classification

As designed, the drive-thru lane of this new development will be 83 feet from the nearest residentially zoned property line, and the audible order box is 94 feet from that same property line. The layout of this site and the location of drive-thru elements was designed to be consistent with the area featuring the majority of the parking close to South Church Street and the building towards the rear of the parcel. The site is also consistent with the neighboring property to the south, 2943 South Church Street, with the majority of the parking occurring along South Church Street, and a drive-thru and single row of parking behind the building, placing the buildings in almost identical locations in relation to South Church Street.

The site will have a 15' bermed landscaping buffer along the eastern property line that features 20, staggered evergreens, planted at a height of 10', expected to grow to 15' within 5 years. It will also have 4 bald Cypress trees, planted at a height of 10'-12' and expected to grow to over 20' in height within 5 years, as well as 4 Sweetbay Magnolias, planted at a minimum height of 7' and estimated to reach a 10'-12' at maturity. This is in addition 25' of open space reserved for above-ground detention, as well as a row of 42 holly shrubs at a minimum of 3' height screening the rear row of parking. As evidenced in the attached site section and sound study, these elements provide sufficient distance and buffer to maintain a decibel level below 45, consistent with appropriate noise levels for quiet suburban area. Additionally, this decibel level does not take into account the additional noise reduction that will be provided by the landscape buffer and the building itself. The site section also indicates that the noise created by the audible ordering elements will be less than the noise level of the neighboring busy South Church Street.

The microphone of the order box is purposefully placed less than 1'-6" from the face of the drive-thru curb. This allows cars to get as close as safely possible to the audible elements of the order box so they may be kept as low as possible while still providing their necessary function for operation. Additionally, by being placed in the rear of the building and further from South Church Street, there is less ambient street noise for the order box to overcome, also contributing to the audible elements being kept at a low volume. These elements of the order box are also equipped with technology to automatically reduce volume based on ambient noise, so it will never be at a level that is unnecessarily high.

Refuse is typically picked up twice weekly, which has proved adequate to control any odor. However, frequency of pickup can be increased if necessary. It will also be requested that refuse pickup happen at a reasonable hour, such as between 9:00 and 10:00 A.M. Panda Expresses are designed with proper roof ventilation of cooking equipment, so as to not cause any unwelcome odors to neighboring properties.

The Panda Express that will utilize the drive-thru will be open 7 days a week, with hours ranging between 10:30 AM and 9:30 PM. It is expected that the Panda Express will serve 400 customers each day, with 50% utilizing the drive-thru. Over the past year, Panda Express has also taken large steps to focus on online ordering in an effort to provide a quick and efficient experience for customers wanting to safely come into the store rather than use the drive-thru.

In conclusion, it is our belief that the proposed distance of our drive-thru elements, in conjunction with the landscaping and microphone location listed above, is sufficient to not cause any adverse effects on nearby residences. Thank you for your consideration and we look forward to discussing this with you.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Henry Klover', is written over the typed name and title.

Henry Klover

Proprietor

H.C. Klover Architects

CC: Panda Express, Inc. & CFT Developments, LLC

Attached Files: Application, Fee, Site Section Exhibit, Submittal Package (site plan, landscape plan & elevations)

MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

MARCH 24, 2021

PROJECT PLANNER: AUSTIN COOPER

Application: Z-21-005

Location: 1503 Sulphur Springs Road

Applicant: Matt Taylor representing Bethel Community Church

Zoning: RS-10 (Residential Single-Family 10,000)

Requests:

- Request for a Special Use Permit for the expansion of an existing institutional group assembly use (a church) to allow a pavilion.



Overview of Request

Bethel Community Church, represented by Mr. Matt Taylor of SEC, Inc., is requesting a Special Use Permit to construct a pavilion, trash enclosure, and ADA accessible parking adjacent to the pavilion. The church operates under an approved Special Use Permit, which was most recently amended in 1998. They are proposing adding a pavilion to the west of the existing building to allow for outdoor church events.

Relevant Zoning Ordinance Section

Chart 2 of the City of Murfreesboro Zoning Ordinance allows institutional group assembly uses such as private schools and expansions thereto, upon approval of a special use in the RS-15 district. City of Murfreesboro Zoning Ordinance Section 9(D)(2)(zz) sets forth standards for institutional group assembly uses in addition to the Standards of General Applicability in Section 9(C).

The applicable standards are listed below with information from Staff on how the applicant intends to address them. After reviewing the criteria for the special use requirements for institutional group assembly uses, this project appears to meet the criteria.

Standards of General Applicability with Staff Analysis:

(1) 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 proposed and existing building has been designed to have minimal impacts on the surrounding neighborhoods. All the parking needs for the church will be contained on the site itself and will not have any connectivity with the surrounding residential neighborhoods. There are no proposed utility changes.
- Water: MWRD has a waterline along Sulphur Springs Road. A water service has been extended into the site previously.
- Sanitary Sewer: MWRD has sanitary sewer located to the east of the site along Sulphur Springs Road. The applicant has previously extended sewer into the site to serve the existing building and no additions are needed.
- Electric: MTEMC has electrical service along Sulphur Springs Road via overhead lines and on-site as underground primary
- Gas: Atmos Energy has gas service along Myers Drive.
- Existing parking is sufficient for the new pavilion, no additional parking should be required.

(2) 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:

The pavilion is oriented along the west property line and will have parking toward the rear of the existing building. The site will be accessed solely from the existing access drives that will provide for full turning movements. The proposed building will be an open-sided pavilion with exterior materials as shown on the architectural elevations. The photometric plan will need to show that the site does not have more than 0.5 foot candles at the property lines. Existing lighting will remain. The existing natural landscaping along the property lines will largely

remain and be enhanced to meet the requirements of the zoning ordinance. The trash enclosures have been located away from the residences and have been enclosed with a solid screen wall and further screened with landscaping.

- (3) The proposed buildings 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; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services:**

The proposal adds no additional stress to essential public facilities.

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

As many as possible existing trees around the site's perimeter will remain to aid in the establishment and effectiveness of the landscape buffers. No other structures or features are known to be of significant importance to remain at this time, however if the BZA identifies any such features the applicant will work to preserve those as well.

- (5) The proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use:**

Additional standards for institutional group assembly uses are listed below.

Additional Standards for Institutional Group Assembly Uses with Staff Analysis:

- 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:**

No loading area is needed or required. Only additional ADA accessible parking is proposed, and it will not affect road access or circulation.

- 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:**

The minimum lot size of the RS-10 zone requires a minimum of 10,000 s.f. lots thus the minimum size for a religious facility is 30,000 s.f. or 0.7 acres. The proposed site is approximately 7.186 acres in size which is 10.3 times larger than the required minimum.

- 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:

The pavilion will be lit and additional information on how that affects site photometrics will be required as part of the Site Plan application and review process. All new lighting shall comply with required zoning lighting standards.

- 4.) Applications for an institutional group assembly use shall indicate the proposed locations of garbage dumpsters or receptacles. These 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:**

Solid waste disposal will be handled via a dumpster located on the northern portion of the property. The dumpster will be sited on a concrete pad and enclosed with a masonry enclosure and screened with landscaping. The location and the screening features will aid in minimizing any effects on neighboring properties or the public rights-of-way. This would be an upgrade to the current dumpster on site, which does not have an enclosure.

- 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:**

The existing recreational areas are proposed to be used on a limited basis and the existing vegetation along property lines will remain as effective buffers and supplemented with additional landscaping.

- 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 carpooling 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:**

The total projected parking spaces for the project is shown as 230 which exceeds the ordinance requirements by 169 spaces.

- 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:

The pavilion will have intermittent programming use; which may occur during various hours. The impact of such programming is already existing with the current use of the site. They have committed to using the pavilion between the hours of 9:00 am and 9:30 pm.

- 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:**

No such uses are being requested with this Special Use Permit.

- 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:**

No temporary or short-term uses are proposed at this time; therefore, the applicant is not requesting any variances associated with any such uses.

- 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:**

The applicant does not intend to have permanent speakers attached to the pavilion, however, the applicant stated they would use portable speakers for amplification for gatherings which will be on an intermittent basis.

Recommended Conditions of Approval:

- 1) The applicant shall apply and obtain approval of a site plan that meets all regulations laid forth in the zoning ordinance.
- 2) The existing tree buffer should be preserved where feasible, and enhanced to meet the required Type "C" landscape buffer, per Table 2 of the Zoning Ordinance.
- 3) Any new exterior lighting shall comply with the Zoning Ordinance, and cannot exceed the maximum 0.50 footcandle at the property line. The Site Plan application review shall

include the required photometric study and lighting plan that demonstrates compliance with the City's standards.

- 4) Any activities or events held in the pavilion are subject to and shall comply with the Murfreesboro Noise Ordinance, including any noise amplification equipment. Pursuant the Noise Ordinance, the maximum permissible sound level restricted to 55 dBA (Leq)4 between the hours of 7:00 AM to 10:00 PM and cannot be audible across the property between the hours of 10:00 PM to 7:00 AM.

Attached Exhibits

- A. Site photos and aerial photo
- B. Letter of explanation from applicant
- C. Application
- D. Site Plan

Site Photo #1



Site Photo #2

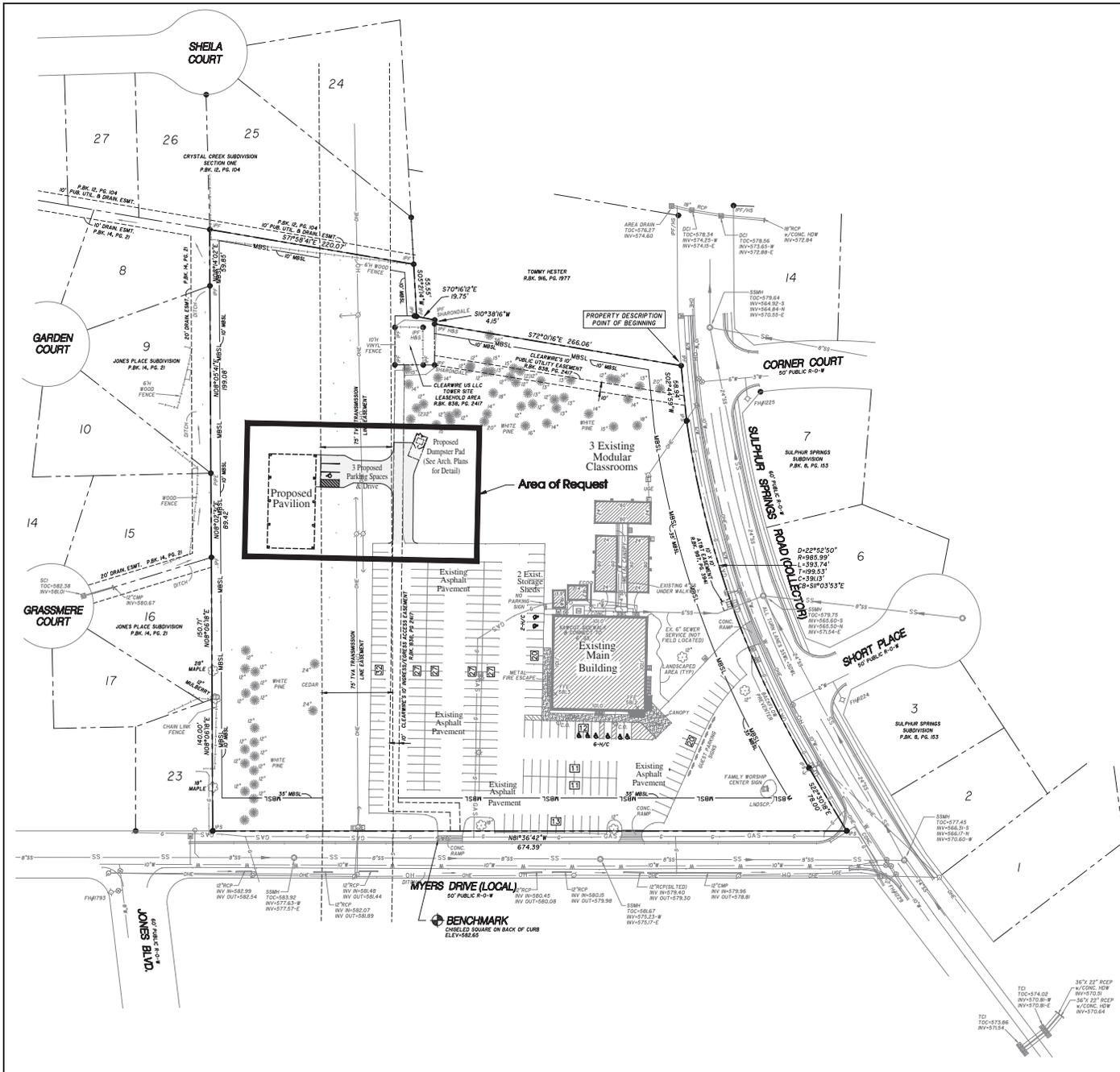


Site Photo #3



Site Photo #4



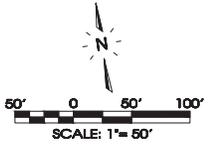


Parking Count:
 Existing Site: 219 Reg. + 8 H.C. = 227 Spaces

Proposed Master Plan:
 2 Proposed + 219 Existing + 9 H.C. = 230 Spaces

Legend:	
	EXIST. CONCRETE MONUMENT
	IRON PIN FOUND (P.F.S.)
	VAN ACCESSIBLE HANDICAP DESIGNATION
	HANDICAP PARKING SIGN
	HC SIGN
	PROPOSED SIGN POST
	EXIST. MANHOLE (COVER & FRAME)
	CONCRETE BOLLARD
	WHEEL STOP
	EXIST. WATER/GAS VALVE
	CONCRETE SIDEWALK
	EXIST. TELEPHONE RISER
	EXTRUDED CURB
	EXIST. GAS METER
	CURB & GUTTER
	ELECTRICAL ENCLOSURE
	TRAFFIC ARROW
	EXIST. WATER METER
	TURN LANE ARROWS
	EXIST. UTILITY POLE
	EXIST. FIRE HYDRANT
	DRAINAGE STRUCTURE DESIGNATION
	POST INDICATOR VALVE
	DRAINAGE PIPE DESIGNATION
	BLOW OFF VALVE
	RFP RAP
	REDUCER
	RUNOFF FLOW ARROW
	REMOTE FIRE DEPT. CONNECTION
	INLET FILTER PROTECTION
	CONCRETE THRUST BLOCK
	PROPOSED SPOT ELEVATION
	DOUBLE DETECTOR CHECK VALVE
	FIRE DEPT. CONNECTION
	SEWER/STORM FLOW DIRECTION
	FIRE HYDRANT
	CATCH BASIN
	GATE VALVE & BOX
	CURB INLET
	WATER METER
	HEADWALL
	GAS METER
	WINGED HEADWALL
	GREASE TRAP
	EXTERIOR CLEANOUT ESD
	CONCRETE SSILE
	MANHOLE
	TYPE-X HEADWALL

EXISTING PHONE	PH
EXISTING ELECTRIC	OH
PROPERTY LINE	---
EASEMENTS	----
RIGHT OF WAY	ROW
EROSION CONTROL SILT FENCE	SF SF
EROSION EEL	E E E
EXISTING TREELINE	~~~~~
EXISTING FENCELINE	-X-X-X-X-
MINIMUM BUILDING SETBACK LINE	MSBL
PHASE BOUNDARY	=====
EXISTING GAS LINE	GAS
PROPOSED GAS LINE	GAS
EXISTING STORM	STM
PROPOSED STORM	STM
EXISTING CONTOUR LINES	-----
PROPOSED CONTOUR LINES	401
EXISTING SANITARY SEWER	SS
PROPOSED SANITARY SEWER	SS
EXISTING WATER	W
PROPOSED WATER	W



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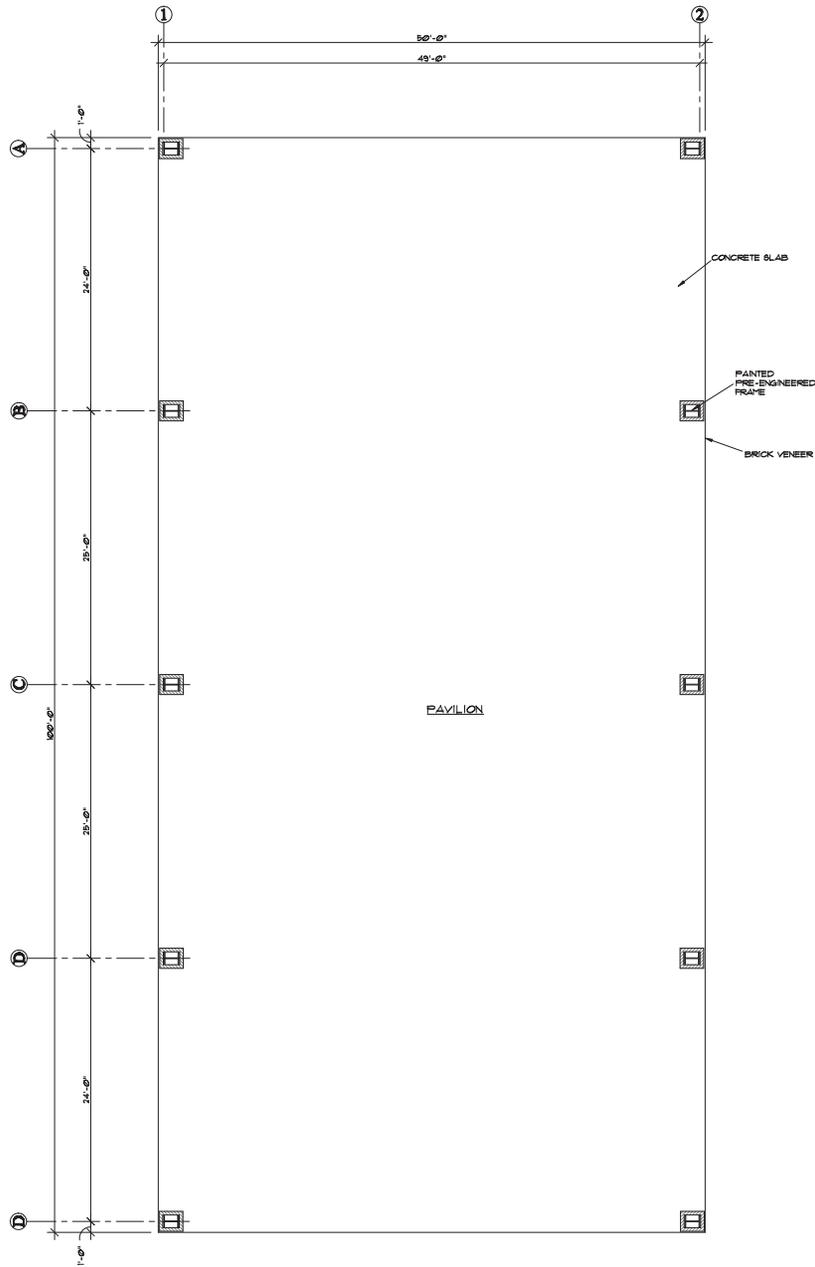
Bethel Community Church
BZA Variance
 Murfreesboro, Tennessee

REVISIONS

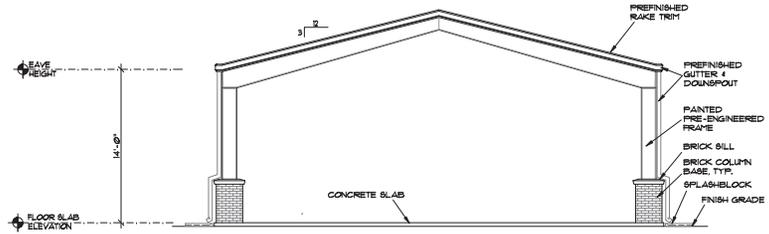
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Concept Master Plan

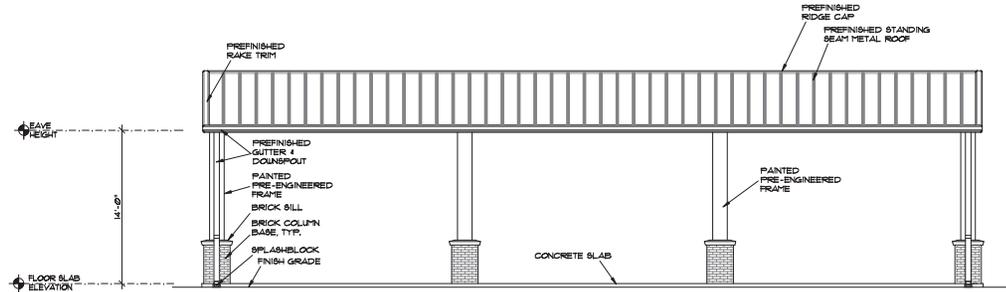
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 DATE: 1-4-2021
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 MAT:
 FILE NAME:
 10094.mxd
 SCALE:
 1" = 50'
 JOB NO.
 10094
 SHEET:
4 of 4



FLOOR PLAN
SCALE: 3/16" = 1'-0"



FRONT ELEVATION
SCALE: 3/16" = 1'-0"



SIDE ELEVATION
SCALE: 3/16" = 1'-0"

Renovation of Existing Facility for
Bethel Community Church
 1503 Sulphur Springs Road
 Murfreesboro, Tennessee

ARCHITECTS
 A . E . I
 ARCHITECTS ENGINEERS PLANNERS
 800 W. VILLAGE CENTER DRIVE, SUITE 300
 MURFREESBORO, TENNESSEE 37132
 PH: (615) 875-1100 WWW.AEIARCHITENING.COM

A1.2
 TITLE: PAVILION FLOOR PLAN & ELEVATIONS
 DATE: 09/24/2020
 DRAWN BY: TMT

SCHMATIC PHASE DRAWINGS
 11/16/2020
NOT FOR CONSTRUCTION

March 8, 2021

Mr. Austin Cooper
City of Murfreesboro
111 W Vine St
Murfreesboro, Tennessee 37130

RE: Bethel Community Church
BZA Special Use Permit
Murfreesboro, Tennessee
SEC Project No. 10094

Dear Austin:

Pursuant to Section 8 – Procedure for Uses Requiring Special Permits and Section 9 – Standards for Special Permit Uses of the City of Murfreesboro Tennessee 2018 Zoning Ordinance in regards to the existing **Bethel Community Church** (on a 7.19 acre Parcel 3.00 of Tax Map 80B along Sulphur Springs Road), please accept the following information as our submittal package for the official Board of Zoning Appeals – Hearing Request Application.

Section 8 – Procedure for Uses Requiring Special Permits

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

SEC, Inc on behalf of Bethel Community Church
c/o Matt Taylor
850 Middle TN Blvd
Murfreesboro, TN 37129

(B) Nature and extent of applicant's ownership interest in subject property

Bethel Community Church currently owns the property. If the special use permit is granted, the applicants intend to construct a pavilion, additional parking, and dumpster enclosure.

(C) Site plan to be submitted for review by City Staff and the Board of Zoning Appeals

A concept plan has been submitted with this application for review.

(D) Address of the site of the proposed special use

West of Sulphur Springs Road
1503 Sulphur Springs Road
Murfreesboro, TN 37129

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

A vicinity map has been submitted with this application for review.

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

The property is currently zoned RS-10 and previously been granted a special use permit.

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

1.) Hours and days of operation

The client shall provide times.

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

The current church and school has a capacity of 305 seats in the auditorium which is expected to be the maximum number of occupants at any given time. Since no expansion is proposed to the auditorium the maximum expected is 305 patrons at any given time.

4.) Projected traffic that will be expected to be generated by the proposed special use

No change in traffic generation is projected with the site addition.

(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 proposes to eliminate or minimize them

The photometric plan is included and will show the onsite proposed lighting in the proposed parking lot and resulting footcandles will be no more than 0.5 at the property lines. Existing lighting will remain.

The existing natural landscaping along the western property lines will remain and if required be enhanced to meet the requirements of the zoning ordinance.

The trash enclosures have been located away from the residences and have been enclosed with a solid screen wall and further screened with landscaping.

Section 9 – Standards for Special Permit 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 proposed and existing building has been designed to have minimal impacts on the surrounding neighborhoods. All the parking needs for the church will be contained on the site itself and will not have any connectivity with the surrounding residential neighborhoods. There are no proposed utility changes.

Water: MWRD has a waterline along Sulphur Springs Road. A water service has been extended into the site previously.

Sanitary Sewer: MWRD has sanitary sewer located to the east of the site along Sulphur Springs Road. The applicant has previously extended sewer into the site to serve the existing building and no additions are needed.

Electric: MTEMC has electrical service along Sulphur Springs Road via overhead lines and on-site as underground primary

Gas: Atmos Energy has gas service along Myers Drive.

- 2) 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***

The building is oriented along the west property line and will have parking toward the rear of the existing building. The site will be accessed solely from the existing access drives that will provide for full turning movements. The proposed building will be an open-sided pavilion with exterior materials as shown on the architectural elevations. The photometric plan shows the onsite proposed lighting in the parking lots and resulting footcandles will be no more than 0.5 at the property lines. Existing lighting will remain. The existing natural landscaping along the property lines will largely remain and be enhanced to meet the requirements of the zoning ordinance. The trash enclosures have been located away from the residences and have been enclosed with a solid screen wall and further screened with landscaping.

- 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 subjected property is located along public street Sulphur Springs Road.

All of the parking needs for the buildings are contained on the site itself and will not have any connectivity with the surrounding residential neighborhoods. The total projected parking spaces for the project is shown as 230 which exceeds the ordinance requirements by 169 spaces.

The drainage for the site will follow existing drainage patterns.

Solid waste disposal will be handled via a dumpster located on the northern portion of the property. The dumpster will be sited on a concrete pad and enclosed with a masonry enclosure and screened with landscaping.

Fire protection is not necessary for the proposed structure.

Sanitary sewer service is not necessary for the proposed structure.

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

As many as possible existing trees around the site's perimeter will remain to aid in the establishment and effectiveness of the landscape buffers. No other structures or features are known to be of significant importance to remain at this time, however if the BZA identifies any such features the applicant will work to preserve those as well.

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 Institutional p assembly uses, including recreational fields, public buildings, public or private schools grades K-12, 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 represented on the site plan, all parking is contained onsite and no parking is proposed to back onto the public street. A passenger loading & unloading zone exists on the southeast side of the building.

2.) In all residential districts, an institutional use 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 is proposed to be located

The minimum lot size of the RS-10 zone requires a minimum of 10,000 s.f. lots thus the minimum size is 30,000 s.f. or 0.7 acres. The proposed site is approximately 7.186 acres in size which is 10.3 times larger than 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***

The photometric plan will show the onsite proposed lighting in the parking lots and resulting footcandles will be no more than 0.5 at the property lines. All fixtures have been restricted to 20-foot mounting height. The pavilion area will not have any scoreboards. The pavilion will be lit.

- 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 the adverse effects upon neighboring properties and aesthetics from the public right-of-way.***

Solid waste disposal will be handled via a dumpster located on the northern portion of the property. The dumpster will be sited on a concrete pad and enclosed with a masonry enclosure and screened with landscaping. The location and the screening features will aid in minimizing any effects on neighboring properties or the public right-of-ways.

- 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***

The existing recreational areas are proposed to be used on a limited basis and the existing vegetation along property lines will remain to be used as buffers and supplemented with additional landscaping.

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

The total projected parking spaces for the project is shown as 230 which exceeds the ordinance requirements by 169 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 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;***

The pavilion will have intermittent programming. Which may occur during various hours. The impact of such programming is already existing with the current use of the site.

- 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)***

No such uses are being requested at this time.

- 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 use purposes***

No temporary or short term uses are proposed at this time, therefore the applicant is not requesting any variances associated with such uses.

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

The applicant does not intend to have permanent speakers attached to the pavilion but does use speakers for outdoor entertainment or gatherings on an intermittent basis.

Your thorough consideration of the requested special use permit is much appreciated. Please contact me if any additional information is required. I can be contacted at 615-890-7901 or via email at mtaylor@sec-civil.com.

Sincerely,

The image shows a handwritten signature in red ink. The signature is written in a cursive style and consists of two parts: 'Matt' on the left and 'Taylor' on the right, connected by a horizontal line.

Matt Taylor, P.E.
Vice President
SEC, Inc.

<i>City of Murfreesboro</i> BOARD OF ZONING APPEALS	HEARING REQUEST APPLICATION
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Location/Street Address: Bethel Community Church 1503 Sulphur Springs Rd.			
Tax Map: 80B	Group: A	Parcel: 3.00	Zoning District: RS-10

Applicant: SEC, INC C/O MATT TAYLOR E-Mail: MTAYLOR@SEC-CIVIL.COM			
Address: 850 MIDDLE TN BLVD		Phone: 615-890-7901	
City: MURFREESBORO	State: TN	Zip: 37129	

Property Owner: BF Property Trust Church			
Address: 5670 Granny White Pike		Phone:	
City: Brentwood	State: TN	Zip: 37027	

Request: SPECIAL USE PERMIT MODIFICATION TO ALLOW A PAVILION TO BE CONSTRUCTED	
Zoning District: RS-10	
Applicant Signature: 	Date: 3-4-2021

Received By:	Receipt No.:
Application #:	Date:

**Murfreesboro
Board of
Zoning Appeals**



**HEARING APPLICATION
AND
GENERAL INFORMATION**

**MURFREESBORO BOARD OF ZONING APPEALS
STAFF REPORT
MARCH 24, 2021
PROJECT PLANNER: BRAD BARBEE**

Application: Z-21-006

Location: 1231 Old Salem Rd. (Tax Map 102, Parcel 01200)

Applicant: Journey Home, Inc., represented by Matt Taylor of SEC

Owner: Jerry and Diane Phillips

Zoning: H-I (Heavy Industrial)

Request: A special use permit to establish a group shelter and mission facility



Overview of Request

Special Use Permit Overview

The applicant, Journey Home, Inc., is seeking approval of a special use permit to establish and operate a mission and group shelter at 1231 Old Salem Road. The property is in the Heavy Industrial (H-I) zoning district, which allows missions and group shelters with approval of a special use permit. The facility will be 23,400 square feet, two-stories, and include the required parking, infrastructure, and landscaping in accordance with the Zoning Ordinance development standards for the H-I zoning district.

The new facility will allow the Journey Home to augment their existing services by allowing overnight stays up to a maximum of 90 days exclusively for homeless families with children. The building will have ten family units with three beds in each unit, cooking and meal preparation area, and the Journey Home will provide other services including counseling, case management, clothing assistance, and hygiene and shower facilities for the daytime-use clients. There will be useable outdoor space, including play structure equipment at the eastern corner of the property and an opaque fence is proposed along the northeastern and southern property lines for security and privacy.

In accordance with the applicant's letter, dated March 8, 2021, the mission related services will be provided Monday through Friday from 6:00 AM to 4:00 pm and Saturday / Sunday from 9:00 AM to 6:30 PM. Saturday and Sunday services are typically limited to mealtimes. The group shelter related services would begin daily at 4:00 PM through overnight to dismissal at 8:00 AM. There will be approximately 70-100 people per day for meals and daytime services; the shelter with the ten rooms and 3 beds each will be limited to 30 persons overnight plus staff.

With the 30 beds, the proposed use will exceed the allowable sewer usage as regulated by the City's Sewer Allocation Ordinance. The applicant has made a request to the City Council for relief in order to allow a greater sewer allocation. This request will be heard by Council on March 25th. If Council does not grant the requested relief, then the applicant will reduce the number of beds in the proposed facility accordingly.

Surrounding Land Uses and Site Plan Description

The property is located south of Heritage Farms dairy and is bordered by property owned by the City of Murfreesboro (former fire station), currently occupied by the Child Advocacy Center and Quad K Properties to the south. There is single family residence and Bluegrass Trucking to the northeast. Across Old Salem Road is property owned by the Molloy family, that will develop with a new street, Kilbrandon Drive, and a new Circle K convenience store and fueling at the intersection of Middle Tennessee Boulevard and New Salem Highway. The site plan depicts the parking lot along the front and south side of the property with 40 regular spaces and three ADA accessible spaces, site access is a single entrance/exit via Old Salem Road, and the trash enclosure

located at the rear of the side parking lot along the southern property line and screened with landscaping. The architectural elevations submitted represent that the exterior materials of the building will consist primarily of brick, stone, and architectural metal panels. A standing seam metal roof will complete the design. These items will be reviewed during the site plan application and review process.

Relevant Zoning Ordinance Sections

Chart 1 of the City of Murfreesboro Zoning Ordinance allows Mission and Group Shelter uses as a special use in the H-I district. City of Murfreesboro Zoning Ordinance Section 9(D)(pp) sets forth standards for Group Shelter uses and Section 9(D)(fff) sets forth standards for Missions, in addition to the Standards of General Applicability in Section 9(C).

The applicable standards are listed below with information from Staff on how the applicant intends to address them. After reviewing the criteria for both mission and group shelter uses, this project appears to meet the criteria.

Standards of General Applicability with Staff analysis

- 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, and utility facilitates, and other matters affecting the public health, safety and general welfare.**

The proposed building has been designed to have minimal impacts on the surrounding neighborhoods. All the parking needs for the shelter will be contained on the site itself and will not have any connectivity with the surrounding sites. There are no proposed utility changes aside from service connections to existing utility mains located along Old Salem Road.

- 2. 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.**

The building is oriented with the entrance facing the northwest property line and will have parking toward the front of the proposed building. The site will be accessed solely from the proposed access drive that will provide for full turning movements. The proposed building will be two-stories with exterior materials as shown on the architectural elevations. The photometric plan shows the onsite proposed lighting in the parking lots and resulting foot candles will be no more than 0.5 at the property lines. The proposed landscaping along the property lines will meet the requirements of the Zoning Ordinance. The trash enclosure will be enclosed with a solid screen wall and further screened with landscaping.

- 3. That the proposed buildings 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; or persons or agencies responsible would provide such services.**

The subject property is located along a public street, Old Salem Road. All of the parking needs for the building are contained on the site itself and will not have any connectivity with the surrounding sites. The total projected parking spaces for the project is shown as 50 regular spaces and 3 H.C. spaces which matches the ordinance requirements. The drainage for the site will be treated for water quality and/or detained per City requirements before being released to the existing downstream conveyance system. Solid waste disposal will be handled via a Dumpster located on the southern portion of the property. The Dumpster will be sited on a concrete pad and enclosed with a masonry enclosure and screened with landscaping. Fire protection and domestic water feeds will be provided by a connection to the existing main. Sanitary sewer service will be extended to the building by the applicant from the north.

- 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 significant natural, scenic, or historic importance.**

As many existing trees as possible around the site's perimeter will remain to aid in the establishment and effectiveness of the landscape buffers. No other structures or features are known to be of significant importance on the property; however, if the BZA identifies any such features the applicant will work to preserve those as well.

- 5. That the proposed building/use complies with all additional standards imposed on it by the particular provision of this section authorizing use.**

The proposed use will comply with the additional standards uses for Missions and Group Shelters. (See below for additional detail.)

Additional Standards for Group Shelters with Staff Analysis

- [1] an on-site off-street area shall be provided for vehicles to load and unload passengers;**

An on-site parking lot has been provided with adequate parking and area for loading and unloading.

- [2] parking shall be required as provided in Section 26 and Chart 4 of this article;**

Per the formulas noted in the Zoning Ordinance, 40 non-accessible parking spaces are required. The applicant depicts 40 on the plan as well as two accessible spaces.

- [3] screening and/or fencing shall be required along the lot lines of the site of the group shelter to block such facility from the view of adjoining property;**

A 6ft tall opaque fence is proposed along with large growing canopy trees. The Board may wish to discuss if any additional screening measures are needed.

- [4] an application for a special use permit for a group shelter shall be accompanied by a statement from the State of Tennessee, Department of Human Services, Department of Corrections, or any other State sponsored agency or department, if any, that may have regulatory jurisdiction over such facilities, stating that such group shelter can comply with all requirements of the State of Tennessee with respect to such use;**

All State permits and associated approvals, if any required, shall be obtained and a copy provided to the Planning Department prior to certificate of occupancy for the building.

[5] no group shelter shall be permitted to be located within one thousand feet of another lawfully established group shelter;

Staff has confirmed that there are no other group shelters within one thousand feet of the property.

[6] other additional standards may be required in order to assure the compatibility of the group shelter with other property in the vicinity of the shelter;

The applicant has acknowledged that they are aware of this standard.

[7] the following land use intensity ratios shall apply to group shelters located in any zoning district: Maximum Floor Area Ratio (F.A.R.) 0.30, Minimum Livability Space Ratio (L.S.R.) 0.48, and Minimum Open Space Ratio (O.S.R.) 0.70

Compliance with the above ratios has been demonstrated. Additional information can be found in the applicant's letter.

Additional Standards for Missions with Staff Analysis

[1] an on-site off-street area shall be provided for vehicles to load and unload passengers provided, however, if no turn around area is available onsite, then access to and from the site shall be arranged to provide an unencumbered view of on-coming traffic for vehicles which must back into the street;

An on-site parking lot has been provided with adequate parking and area for loading and unloading.

[2] parking shall be required as provided in Section 26 and Chart 4 of this article;

Parking meets requirements and is listed on the plans.

[3] screening and/or fencing shall be required along the lot lines of the site of the mission to block such facility from the view of adjoining property;

A 6ft tall opaque fence is proposed along with large growing canopy trees. The Board may wish to discuss if any additional screening measures are needed.

[4] an indoor and/or outdoor recreation area may be required to be located onsite for the use of the inhabitants of the mission. The BZA may require that this area be fenced from the view of any street or adjoining property and, in the event children are expected to be housed in the mission, appropriate playground equipment and fencing to assure safety of the children may be required to be installed. Provided, the BZA shall not require both an indoor and outdoor recreation area if it determines that one or the other will adequately serve the needs of potential users of the facility;

Plan provides for a fenced-in playground area located to the rear of the building.

[5] an application for a mission shall include a statement from the applicant indicating a maximum time period during which individual users of the facility will be allowed by the applicant or its agents to utilize or reside at the facility;

Persons using the mission services (i.e. meals, clothing, basic needs, counseling, case management, etc.) may only use the facility during the normal daytime hours of operation as noted below, **which will be** Monday through Friday from 6:00 a.m. to 4:00 p.m. with services typically limited to mealtimes on Saturdays and Sundays between 9:00 a.m. and 6:30 p.m.

(Group shelter activities will be limited to homeless families with children, who may reside at the facility for a maximum of 90 days.)

[6] no mission shall be permitted to be located within one thousand feet of another lawfully established mission;

Staff has confirmed that there are no other missions within one thousand feet of the property.

[7] other additional standards may be required in order to assure the compatibility of the mission with other property in the vicinity of the facility.

The applicant has acknowledged that they are aware of this standard.

Recommended Conditions of Approval:

If the Board approves this request, Staff recommends the following conditions of approval:

- 1) The Special Use Permit is for establishment and operation of a mission and group shelter. The operations of the use shall be substantially consistent with what has been represented to the BZA.
- 2) The applicant, Journey Home, shall obtain all necessary State of Tennessee permits and approvals, if required, and copies provided to the Planning Department prior to certificate occupancy issuance.
- 3) A site plan shall be submitted to the Planning Department for review and approval prior to the issuance of a building permit. The site plan submittal shall include civil plans, landscape plan, photometric lighting plan, and building elevations and any other plans necessary to demonstrate compliance with the Zoning Ordinance and Design Guidelines. The plans submitted shall be substantially consistent with what has been represented to the BZA.
- 4) A detail of the proposed fence must be included with the site plan submittal.
- 5) If the City Council grants a variance to the Sanitary Sewer Allocation Ordinance, then the maximum number of beds in the group shelter shall be 30. If a variance is not granted by the City Council, then the maximum number of beds in the group shelter shall be limited based on the Sewer Allocation Ordinance. Any increase in the number of beds for the group shelter above 30 shall require approval of an amendment to the special use permit by the Board of Zoning Appeals.
- 6)

The applicant and his representative will be in attendance to respond to any questions the Board may have.

Attached Exhibits

- 1) Applicant Letter
- 2) Site Photos
- 3) Site Plan and Architectural Elevations

March 8, 2021

Mr. Brad Barbee
City of Murfreesboro
111 W Vine St
Murfreesboro, Tennessee 37130

RE: Journey Home
BZA Special Use Permit
Murfreesboro, Tennessee
SEC Project No. 20056

Dear Brad:

Pursuant to Section 8 – Procedure for Uses Requiring Special Permits and Section 9 – Standards for Special Permit Uses of the City of Murfreesboro Tennessee 2018 Zoning Ordinance in regards to the proposed **Journey Home** (on a 1.40 acre Parcel 12.00 of Tax Map 102 along Old Salem Road), please accept the following information as our submittal package for the official Board of Zoning Appeals – Hearing Request Application.

Section 8 – Procedure for Uses Requiring Special Permits

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

SEC, Inc on behalf of The Journey Home, Inc
c/o Matt Taylor
850 Middle TN Blvd
Murfreesboro, TN 37129

(B) Nature and extent of applicant's ownership interest in subject property

The Journey Home, Inc will own the property contingent upon BZA approval. If the special use permit is granted, the applicants intend to construct a Group Shelter/Mission, parking, and associated infrastructure (utility services, sidewalks, dumpster enclosure, etc.).

(C) Site plan to be submitted for review by City Staff and the Board of Zoning Appeals

A concept plan has been submitted with this application for review.

(D) Address of the site of the proposed special use

South of Old Salem Road
1231 Old Salem Road
Murfreesboro, TN 37129

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

A vicinity map has been submitted with this application for review.

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

The property is currently zoned H-I.

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

1.) Hours and days of operation

Mission-related services are primarily provided Monday through Friday from 6:00 a.m. to 4:00 p.m. with services typically limited to mealtimes on Saturdays and Sundays. Saturday and Sunday occur between 9:00 a.m. and 6:30 p.m.

Group shelter-related services would typically begin daily at 4:00 p.m. and operate overnight dismissing at 8:00 a.m.

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

Approximately 70-100 people per day including people coming for meal services only. Shelter will have 10 rooms with 3 beds each (30 occupants) and 10 employees.

4.) Projected traffic that will be expected to be generated by the proposed special use

Change in traffic generation is projected to be minimal with the site plan. Will move traffic of current Journey Home shelter away from the Bottoms areas.

(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 proposes to eliminate or minimize them

The photometric plan is included and will show the onsite proposed lighting in the proposed parking lot and resulting foot candles will be no more than 0.5 at the property lines.

The landscaping along the property lines will be implemented to meet the requirements of the zoning ordinance.

The trash enclosure will be enclosed with a solid screen wall and further screened with landscaping.

Section 9 – Standards for Special Permit 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 proposed building has been designed to have minimal impacts on the surrounding neighborhoods. All the parking needs for the shelter will be contained on the site itself and will not have any connectivity with the surrounding sites. There are no proposed utility changes aside from service connections to existing utility mains located along Old Salem Road.

Water: MWRD has a waterline along Old Salem Road. A water service will be extended into the site.

Sanitary Sewer: MWRD has sanitary sewer located to the northwest of the site along Old Salem Road. A sewer service will be extended to the site.

Electric: MTEMC has electrical service along Old Salem Road via overhead lines.

Gas: None.

- 2) 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***

The building is oriented with the entrance facing the northwest property line and will have parking toward the front of the proposed building. The site will be accessed solely from the proposed access drive that will provide for full turning movements. The proposed building will be two-stories with exterior materials as shown on the architectural elevations. The photometric plan shows the onsite proposed lighting in the parking lots and resulting footcandles will be no more than 0.5 at the property lines. The proposed landscaping along the property lines will meet the requirements of the zoning ordinance. The trash enclosures will be enclosed with a solid screen wall and further screened with landscaping.

- 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 subjected property is located along public street Old Salem Road.

All of the parking needs for the building are contained on the site itself and will not have any connectivity with the surrounding sites. The total projected parking spaces for the project is shown as 50 regular spaces and 3 H.C. spaces which matches the ordinance requirements.

The drainage for the site will be treated for water quality and/or detained per city requirements before being released to the existing downstream conveyance system.

Solid waste disposal will be handled via a dumpster located on the southern portion of the property. The dumpster will be sited on a concrete pad and enclosed with a masonry enclosure and screened with landscaping.

Fire protection and domestic water feeds will be provided by a connection to the existing main.

Sanitary sewer service will be extended to the building by the applicant from the north.

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

As many as possible existing trees around the site's perimeter will remain to aid in the establishment and effectiveness of the landscape buffers. No other structures or features are known to be of significant importance to remain at this time, however if the BZA identifies any such features the applicant will work to preserve those as well.

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.
Acknowledged.

(pp) Group shelters shall be subject to the following additional standards:

1) an on-site off-street area shall be provided for vehicles to load and unload passengers

Provided in parking area.

2) parking shall be required as provided in Section 26 and Chart 4 of this article;
Parking meets requirements and listed on plans

3) screening and/or fencing shall be required along the lot lines of the site of the group shelter to block such facility from the view of adjoining property;
Fencing is being provided along rear and southern lot lines.

4) an application for a special use permit for a group shelter shall be accompanied by a statement from the State of Tennessee, Department of Human Services, Department of Corrections, or any other State sponsored agency or department, if any, that may have regulatory jurisdiction over such

facilities, stating that such group shelter can comply with all requirements of the State of Tennessee with respect to such use;

No such provision is required.

5) no group shelter shall be permitted to be located within one thousand feet of another lawfully established group shelter;

No other group shelter is known to exist within one thousand feet of the property.

6) other additional standards may be required in order to assure the compatibility of the group shelter with other property in the vicinity of the shelter;

Acknowledged

7) the following land use intensity ratios shall apply to group shelters located in any zoning district: Maximum Floor Area Ratio (F.A.R.) 0.30, Minimum Livability Space Ratio (L.S.R.) 0.48, and Minimum Open Space Ratio (O.S.R.) 0.70

Lot Area = 62,887 Sq.Ft. Usable Floor Area = 17,473 Sq.Ft.

Livability Space = 32,978 Sq.Ft. Open Space = 46,949 Sq. Ft.

F.A.R. Provided = Usable Floor Area/Lot Area = $17,473/62,887 = 0.28$

L.S.R. Provided = Livability Space/Lot Area = $32,978/62,887 = 0.52$

O.S.R. Provided = Open Space/Lot Area = $46,949/62,887 = 0.75$

(fff) Missions shall be subject to the following additional standards:

1) an on-site off-street area shall be provided for vehicles to load and unload passengers provided, however, if no turn around area is available onsite, then access to and from the site shall be arranged to provide an unencumbered view of on-coming traffic for vehicles which must back into the street;

Provided in the parking area.

2) parking shall be required as provided in Section 26 and Chart 4 of this article;

Parking meets requirements and is listed on the plans.

3) screening and/or fencing shall be required along the lot lines of the site of the mission to block such facility from the view of adjoining property;

Fencing provided along rear and southern lot lines.

4) an indoor and/or outdoor recreation area may be required to be located onsite for the use of the inhabitants of the mission. The BZA may require that this area be fenced from the view of any street or adjoining property and, in the event children are expected to be housed in the mission, appropriate playground equipment and fencing to assure safety of the children may be required to be installed. Provided, the BZA shall not require both an indoor and outdoor recreation area if it determines that one or the other will adequately serve the needs of potential users of the facility;

Plan provides for a fenced in playground area located to the rear of the building.

- 5) ***an application for a mission shall include a statement from the applicant indicating a maximum time period during which individual users of the facility will be allowed by the applicant or its agents to utilize or reside at the facility;***

Persons using the mission services (i.e. meals, clothing, basic needs, counseling, case management, etc.) may only use the facility during the normal daytime hours of operation as noted above. Group shelter activities will be limited to homeless families with children, who may reside at the facility for a maximum of 90 days.

- 6) ***no mission shall be permitted to be located within one thousand feet of another lawfully established mission;***

No other mission is known to exist within one thousand feet of the property.

- 7) ***other additional standards may be required in order to assure the compatibility of the mission with other property in the vicinity of the facility.***

Acknowledged.

Your thorough consideration of the requested special use permit is much appreciated. Please contact me if any additional information is required. I can be contacted at 615-890-7901 or via email at mtaylor@sec-civil.com.

Sincerely,

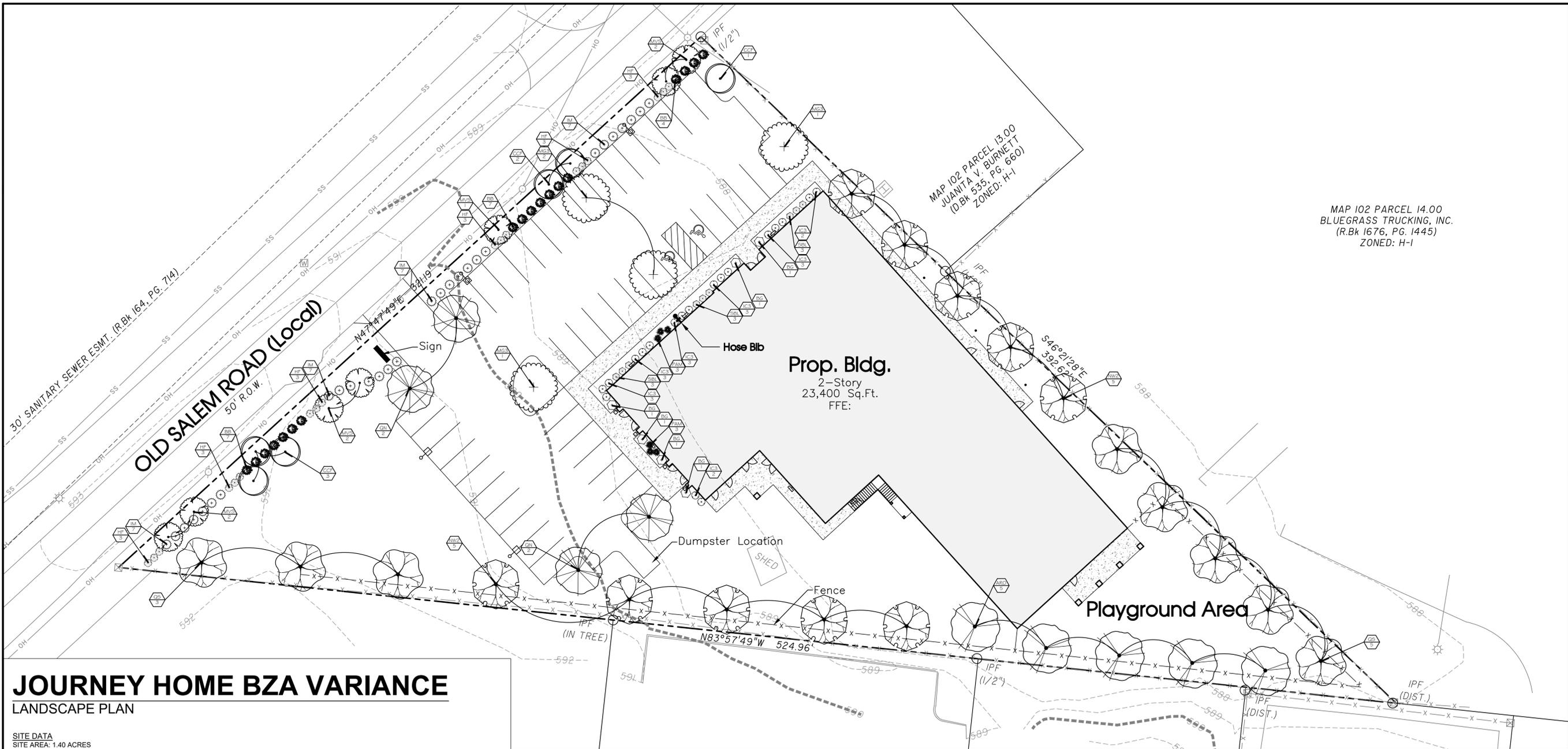


Matt Taylor, P.E.
Vice President
SEC, Inc.

Site Photo

View from Old Salem





MAP 102 PARCEL 13.00
 JUANITA V. BURNETT
 (D.Bk 535, P.G. 660)
 ZONED: H-1

MAP 102 PARCEL 14.00
 BLUEGRASS TRUCKING, INC.
 (R.Bk 1676, P.G. 1445)
 ZONED: H-1

Prop. Bldg.
 2-Story
 23,400 Sq.Ft.
 FFE:

JOURNEY HOME BZA VARIANCE

LANDSCAPE PLAN

SITE DATA
 SITE AREA: 1.40 ACRES
 SITE ZONING: H-1

OPEN SPACE REQUIREMENTS
 20% OF OPEN SPACE (LANDSCAPE AREAS GREATER THAN 200 SF) IS REQUIRED PER PHASE.
 OPEN SPACE REQUIRED 1.40 AC x 20% = 0.28 AC
 OPEN SPACE PROVIDED = 0.75 AC (53.00%)
 FORMAL OPEN SPACE NOT REQUIRED

LANDSCAPE REQUIREMENTS (AS PER SECTION 27)

REQUIRED PERIMETER LANDSCAPING	REQUIRED	PROVIDED
(OLD SALEM ROAD) (321.19' - 24.00') = 297.19 LF 1 ORNAMENTAL TREE/ 25 LF OF FRONTAGE 1 SHRUB/ 5 LF OF FRONTAGE	12 TREES 59 SHRUBS	12 TREES (OVERHEAD UTILITY CONFLICT) 64 SHRUBS
(NORTHERN PERIMETER) 392.62 LF 1 SHADE TREE/ 40 LF OF FRONTAGE	10 TREES	10 TREES
(SOUTHERN PERIMETER) 524.96 LF 1 SHADE TREE/ 40 LF OF FRONTAGE	13 TREES	13 TREES

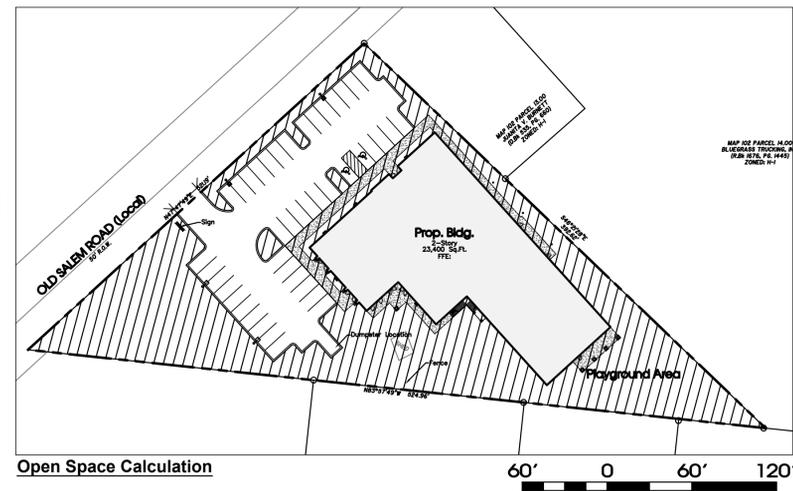
PARKING LOT REQUIREMENTS
 ONE SHADE TREE OR TWO ORNAMENTAL TREES PER 12.5 PARKING STALLS TO BE PLANTED IN LANDSCAPE ISLANDS (MIN. 8' WIDTH).
 40 PARKING SPACES PROVIDED = 3 TREES REQUIRED
 9 TREES PROVIDED IN ISLANDS

DESIGN GUIDELINES LANDSCAPE REQUIREMENTS

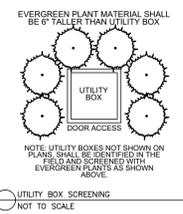
	TREES REQUIRED	TREES PROPOSED
REQUIRED PERIMETER/PARKING TREES:	38	46 (TREE OVERAGE DUE TO PARKING ISLAND REQUIREMENT)
10% REQUIRED 4" CALIPER:	4	4
15% REQUIRED 3" CALIPER:	6	29
75% REQUIRED 2.5" CALIPER:	28	13

- PLAN NOTES:**
- ANY TREES OR SHRUBS THAT ARE DEAD, DYING OR MISSING OUTSIDE THE SCOPE OF THE CURRENT WORK WILL NEED TO BE REPLACED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY.
 - ALL LANDSCAPE BEDS TO HAVE NEATLY TRENCHED BED EDGE AND HAVE 4" MINIMUM DEPTH OF HARDWOOD MULCH.
 - ALL TREES AND SHRUBS SHALL BE COORDINATED WITH LIGHTING PLAN PRIOR TO INSTALLATION.
 - ALL NEW PLANT MATERIAL AND SOD AREAS SHALL BE IRRIGATED.
 - ALL SHRUBS TO BE 3' BACK OF CURB.
 - ALL AREAS OF DISTURBANCE OUTSIDE OF LANDSCAPE BEDS SHALL BE REPAIRED WITH REBEL III FESCUE SEED OR SOD.
 - ANY UTILITY STRUCTURE, LIGHT POLES, SIGN, OR OTHER FEATURE MAY NOT BE ADDED TO ANY REQUIRED LANDSCAPE ISLAND IN SUCH A MANNER THAT WOULD DISPLACE THE REQUIRED ELEMENT(S) (TREES, SHRUBS, ETC.).
 - PROPERTY OWNER IS RESPONSIBLE FOR MAINTAINING ALL LANDSCAPING MATERIALS, INCLUDING TURF, AND IRRIGATION MATERIALS BOTH ON SITE, AND INSIDE THE ROW.

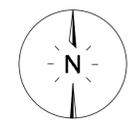
- PLANTING SCHEDULE NOTES**
- SHRUBS AND TREES SHALL BE OF THE HIGHEST QUALITY.
 - NO SUBSTITUTIONS ALLOWED WITHOUT PRIOR WRITTEN APPROVAL OF THE OWNER AND LANDSCAPE ARCHITECT OF RECORD.
 - SUBSTITUTIONS AND DEVIATIONS MAY OR MAY NOT BE APPROVED.
 - REVISED LANDSCAPE PLANS MUST BE SUBMITTED AND APPROVED BY THE CITY OF MURFREESBORO PLANNING DEPARTMENT 615-893-8441 PRIOR TO INSTALLATION.
 - ALL IRRIGATION, LAWN AND PLANT MATERIALS WITHIN THE ROW MUST BE MAINTAINED BY THE PROPERTY OWNER.



Open Space:
 Required: (20%)(1.40 Ac.) = 0.28 Acres (12,197 Sq.Ft.)
 Provided: 0.75 Acres (32,519 Sq.Ft.)



811
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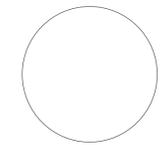
Journey Home
 BZA Variance
 Murfreesboro, Tennessee

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REVISIONS:
 DRAWN: SWL
 DATE: 03-05-2021
 CHECKED:
 RSM
 FILE NAME:
 20056BA_LA
 SCALE:
 1" = 20'
 JOB NO.
 20056
 SHEET:
L1.0



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www.kevincgoins.com Website



Kevin C. Goins
ARCHITECT, AIA

The Journey Home
Office and Ministry Center
Murfreesboro, Tennessee

REVISION: _____
REVISION: _____
DATE: 02/17/2021
DRAWN BY: Author
CHECKED BY: Checker
JOB #: 2020
SHT TITLE: ELEVATIONS

A103



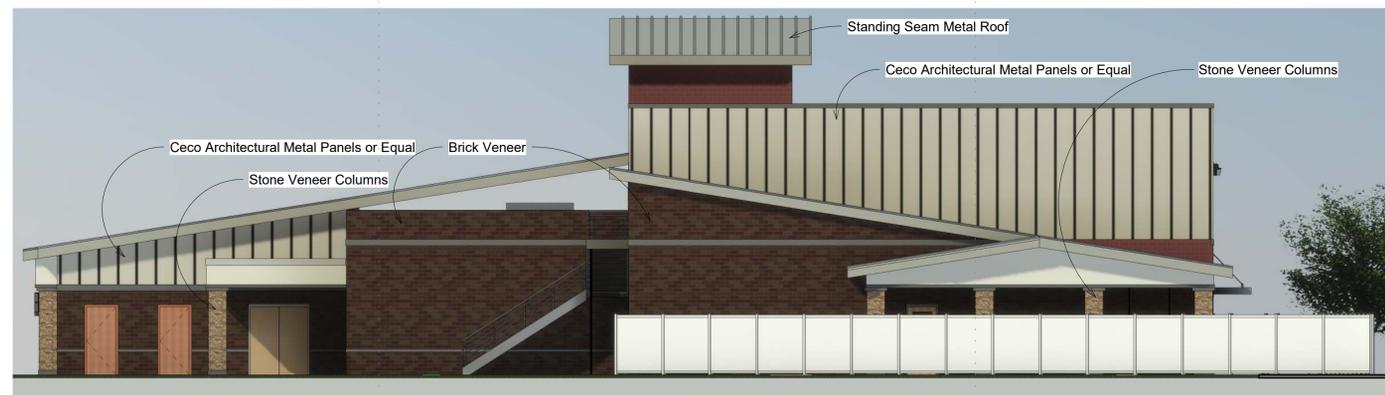
① Elevation 1 - a
1/8" = 1'-0"



② Elevation 2 - a
1/8" = 1'-0"



③ Elevation 3 - a
1/8" = 1'-0"



④ Elevation 4 - a
1/8" = 1'-0"

