

**CITY OF MURFREESBORO
BOARD OF ZONING APPEALS**

Regular Meeting, July 28, 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
 - a. Minutes for the regular meeting on March 24, 2021
 - b. Minutes for the regular meeting on April 28, 2021
 - c. Minutes for the regular meeting on June 23, 2021
4. New Business

Variances

- a. **Application Z-21-022 by Aldi’s represented by Bradley Bork, CESO, Inc.,** is requesting a variance from the required 42 feet front yard setback on Malachite Drive to allow 20 feet setback. Property is zoned Commercial Highway (CH), located along southwest corner of Franklin Road and Covenant Road. Tax Map 093M, Group B, Parcel portion of 02600. (Project Planner: Marina Rush)

Special Use Permit Requests

- b. **Application Z-21-021 by Rutherford County Government, represented by SEC, Inc,** requesting a Special Use Permit in accordance with the City of Murfreesboro Zoning Ordinance, Chart 1, to construct a public use building for State of Tennessee DMV and Rutherford County Register’s satellite offices. Property is zoned Residential Single Family (RS-15), located at the northwest corner of Blaze Drive and Fortress Boulevard Tax Map 092, Parcel 46.01. (Project Planner: Amelia Kerr)

5. Staff Reports and Other Business
6. Adjourn

**MINUTES
OF THE CITY OF MURFREESBORO
BOARD OF ZONING APPEALS**

City Hall, 111 W. Vine Street, Council Chambers

MARCH 24, 2021, 1:00 PM

Members Present:

Davis Young, Chair
Ken Halliburton, Vice-Chair
Tim Tipps
Julie King (via Zoom)
Misty Foy (via Zoom)

Staff Present:

Marina Rush, *Principal Planner*
Matthew Blomeley, *Assistant Planning Director*
Austin Cooper, *Planner*
Brad Barbee, *Planner*
Roman Hankins, *Assistant City Attorney*
Serena Harris, *Recording Assistant*

1. Call to order:

Chair Young called the meeting to order at 1:00 pm and announced that in accord with the Executive Order of the Governor, two members (Julie King and Misty Foy) would be participating electronically and all votes would be conducted by roll call.

2. Determination of a quorum:

Chair Young determined that a quorum was present.

3. Approve Minutes of the

The minutes from the December 21, 2020 regular meeting were approved as submitted.

4. New Business:

- a. Zoning application [2021-002] for 4432 Veterans Parkway, requesting a special use permit in order to operate a temporary outdoor vending establishment (seasonal fireworks retailer) in a Commercial Highway (CH) zone. (Project Planner: Austin Cooper)**

Austin Cooper presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these minutes by reference.

Chair Young opened the public hearing.

Chair Young closed the public hearing.

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There being no further discussion, Tim Tipps moved to approve the application, subject to all staff recommendations; The motion was seconded by Ken Halliburton, and upon roll call the motion was approved by the following vote:

Aye: Ken Halliburton
Julie King
Misty Foy
Tim Tipps
Chair Davis Young

Nay: None

- b. Zoning application [2021-003] for 2946 S. Church Street, requesting a special use permit in order to operate a temporary outdoor vending establishment (seasonal fireworks retailer) in a Commercial Highway (CH) zone. (Project Planner: Austin Cooper)**

Austin Cooper presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these minutes by reference.

Chair Young opened the public hearing.

Chair Young closed the public hearing.

There being no further discussion, Tim Tipps moved to approve the application, subject to all staff recommendations; The motion was seconded by Ken Halliburton, and upon roll call the motion was approved by the following vote:

Aye: Ken Halliburton
Julie King
Misty Foy
Tim Tipps
Chair Davis Young

Nay: None

- c. Zoning application [2021-004] for 2901 South Church Street, 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. (Project Planner: Austin Cooper):**

Austin Cooper presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these minutes by reference.

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Ken Halliburton inquired if the menu board is on the east side/rear of the building and what the setback is for the nearest home that is adjacent to to this property line.

Tim Tipps verified distance concerns per regulation, zoning, and impact on four homes that would be directly affected.

Chair Young inquired if relief is for electronic menu board or drive thru lane.

Marina Rush clarified the special use permit is for the reduction in the distance, and that the applicant is having to show efforts to mitigate impact and noise from menu board and drive-thru lane.

Chair Young inquired about comparable project, Dairy Queen on Cason Lane and adjustments made in that case.

Matthew Blomeley offered clarification on comp special use permits and the special measures taken to mitigate impact.

Tim Tipps inquired if the property owners to the east had been notified. Austin Cooper confirmed that a neighborhood meeting with the adjacent property owners was requested and complied with, which was held on March 16, 2021. Information and neighbors' concerns were reviewed and not but feels buffer, berm, and fence would ease many of the residents' concerns.

Marina Rush clarified that the Type D buffer is required by the zoning ordinance. The applicant is proposing additional buffers as noise mitigation.

Mr. Cooper explained that the closest home is approximately 140 from the menu board and 94 feet from the property line.

Henry Klover of H.C.Klover Architects, 8813 Penrose Lane, Suite 400, Lexexa, KS 66219 offered additional information on the project.

Chair Young opened the public hearing.

Nathan Daniel Creach of 2890 Runnymede Dr., Murfreesboro, TN came forward to express concerns opposing the drive-up window electronic menu board.

Shirley Bowman of 2902 Runnymede Dr., Murfreesboro, TN came forward to express concerns opposing the drive-up window electronic menu board.

Chair Young closed the public hearing.

Mr. Klover came forward to provide further clarification on the project and share relative information and mitigation efforts regarding concerns from the neighborhood meeting.

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Mr. Cooper offered further clarification on the project.

Brad Barbee offered further landscaping information regarding the project.

Julie King inquired if the Duncan Doughnuts, which was not sent before the board should be used a precedent for a decision on this application.

Marina Rush offered clarification on the applicable zoning ordinance and confirmed that the ordinance itself takes precedence

There being no further discussion, Ken Halliburton moved to defer the application; The motion was seconded by Tim Tipps, and upon roll call the motion was approved by the following vote:

Aye: Ken Halliburton
Julie King
Misty Foy
Tim Tipps
Chair Davis Young

Nay: None

d. Zoning application [2021-005] for 1503 Sulphur Springs Road, 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. (Project Planner: Austin Cooper):

Austin Cooper presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these minutes by reference.

Mr. Cooper confirmed that the applicant will not have any events after 9:30.

Rob Molchan of SEC, Inc. 850 Middle Tennessee Blvd, Murfreesboro, TN 37129 offered additional clarification on the project.

Chair Young opened the public hearing.

Erin Shaw of 1202 Garden Court, Murfreesboro, TN came forward expressing concerns regarding noise restrictions timeframes and landscape buffer that has been removed.

Brock Lillis, Pastor of Bethel Community Church, 1503 Sulphur Springs Road offered additional insight on pavilion use.

Chair Young closed the public hearing.

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There being no further discussion, Tim Tipps moved to approve the application, subject to all staff recommendations; The motion was seconded by Ken Halliburton, and upon roll call the motion was approved by the following vote:

Aye: Ken Halliburton
Julie King
Misty Foy
Tim Tipps
Chair Davis Young

Nay: None

- e. Zoning application [2021-006] for property located along east side of Old Salem Road, north of Samsonite Boulevard (Map 102, Parcel 12.00, requesting a special use permit in order to construct a mission and group shelter in a Heavy Industrial (H-I) zone. (Project Planner: Brad Barbee):**

Brad Barbee presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these minutes by reference.

Rob Molchan of SEC, Inc. 850 Middle Tennessee Blvd, Murfreesboro, TN 37129 offered additional clarification on the project.

Scott Foster, Director of Journey Home offered additional insight on proposed project.

Brad Barbee added if applicant's sewer allocation variance is not approved at tomorrow's City Council meeting, the number in shelter would drop to 22, instead of 30.

Chair Young opened the public hearing.

Roger Patterson, owner of Patco, Inc (Patco Industrial Supply) at 1002 Samsonite Boulevard, Murfreesboro, TN 37129 came forward to express location and safety concerns opposing the construction of the mission/shelter in the light industrial zone, though acknowledging the community need for the service.

Two representatives (stated names are unclear) with the Child Advocacy Center of Rutherford County, Inc. at 1040 Samsonite Blvd, Murfreesboro, TN 37129 came forward to express location, looting, and safety concerns opposing the construction of the mission/shelter in the light industrial zone, though acknowledging the community need for the service.

Gina Beach, representing Juanita Barnett, homeowner of the property north of the proposed site, came forward to express financial concerns, property value declination, and safety concerns opposing the construction of the mission/shelter, though acknowledging the community need for the service.

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Bill Reid of 2413 Garrison Cove, Murfreesboro, TN, a volunteer and Journey Home Board member came forward to offer insight on proposed facility and its benefits.

David Harp, owner of Bluegrass Trucking, Inc. at 1135 Old Salem Road, Murfreesboro, TN 37129 came forward to express location and safety concerns opposing the construction of the mission/shelter in the light industrial zone, though acknowledging the community need for the service.

Jefferey Parker, Executive Director of Housing, Health, & Human Service Alliance of Rutherford County came forward to offer comments in favor of proposed facility and its benefits.

Josh Markum, a Journey Home volunteer and Missions Director at First Methodist Church came forward to offer insight on security aspects of the proposed facility and its benefits.

Drew Shelley 1823 Mosaic Trail an associate Pastor of First United Methodist Church at 265 W. Thompson Lane, Murfreesboro, TN offer comments in favor of proposed facility and its benefits.

Geneva Poss, Journey Home Outreach & Housing Director came forward to offer clarification on the security aspects of current and proposed facility, as well as general benefits of proposed facility.

Lynn Watson of 711 Majesty Drive, Murfreesboro, TN, a Journey Home Board member came forward to offer insight on proposed facility and its benefits.

Travis Summers, Outreach Pastor of the Experience Community Church at 521 Old Salem Road, Murfreesboro, TN came forward to offer insight on proposed facility and its benefits.

David Harp, owner of Bluegrass Trucking, Inc. at 1135 Old Salem Road, Murfreesboro, TN 37129 returned to the podium to express further objections.

Scott Foster, Director of Journey Home returned to podium to offer additional clarification on the project.

Chair Young closed the public hearing.

There being no further discussion, Misty Foy moved to approve the application, subject to all staff recommendations; The motion was seconded by Ken Halliburton, and upon roll call the motion was approved by the following vote:

Aye: Ken Halliburton
Julie King
Misty Foy
Tim Tipps

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Chair Davis Young

Nay: None

5. Staff Reports and Other Business:

- a. Marina Rush introduced Serena Harris, successor of Brenda Davis, Board of Zoning Appeals Recording Assistant.
- b. Matthew Blomeley informed the board that Austin Cooper's last day is April 2,2021 and the board offered congratulations on future endeavors.

6. Adjourn.

There being no further business, Chair Young adjourned the meeting at 3:29 p.m.

CHAIRMAN

SECRETARY

**REGULAR MEETING MINUTES
OF THE CITY OF MURFREESBORO
BOARD OF ZONING APPEALS**

City Hall, 111 W. Vine Street, Council Chambers

APRIL 28, 2021, 1:00 PM

Members Present:

Davis Young, Chair
Ken Halliburton, Vice-Chair
Julie King
Tim Tipps
Misty Foy (via Zoom)

Staff Present:

Marina Rush, *Principal Planner*
Matthew Blomeley, *Assistant Planning Director*
Roman Hankins, *Assistant City Attorney*
Serena Harris, *Recording Assistant*

1. Call to order:

Chairman Young called the meeting to order at 1:00 pm and announced that in accord with the Executive Order of the Governor one member (Misty Foy) would be participating electronically and all votes would be conducted by roll call.

2. Determination of a quorum:

Chairman Thompson determined that a quorum was present.

3. Old Business:

- a. Zoning application [2021-004] for 2901 South Church Street, 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. (Project Planner: Austin Cooper):**

Marina Rush addressed the board regarding receipt of a letter with comments about the proposal from a resident and requesting to speak at today's meeting.

Assistant City Attorney shared general rule regarding public comments before the board, is that a public hearing will be advertised for a date certain. For this application, the public hearing was at last month's meeting. Once the Chair has closed the public comment session of the hearing, no further public comments would be allowed.

Our Legal Department has determined that the request has equitable considerations in it regarding the community. The Tennessee Open Meetings Act provides no permissions for the public to speak at a public meeting, it's strictly within the purview of the Board. However, Mr. Hankins stated the Legal Department believes it is a suspendable rule, if there is a motion, second, and majority vote to suspend the rule and allow additional public comment, in writing or oral.

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Ken Halliburton moved to suspend the rule and allow a public hearing to take public comments at this meeting for this application; the motion was seconded by Tim Tipps; there being no discussion upon roll call the public hearing allowance was approved by the following vote:

**Aye: Tim Tipps
Ken Halliburton
Julie King
Misty Foy
Chair Davis Young**

Nay: None

Mr. Hankins advised Chairman Young, that he will be able to direct the proceedings for the comments since public comments has been allowed.

Ms. Rush presented the staff comments regarding this Item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these minutes by reference.

Mr. Ken Halliburton inquired about the City's genesis for the 200-foot rule with respect to the electronic menu board.

Mr. Matthew Blomeley addressed the board stating that the standard may have been included when the CF zoning district was adopted.

Ms. Julie King inquired if the BZA has historically allowed the distance differential, and what the precedence is with prior cases have been in the past prior deciding.

Mr. Tipps requested Ms. Rush to re-review the sound study results for the 2901 Church Street property.

There being no further questions for staff, Mr. Young invited representatives to come forth to discuss their findings.

Mr. Vu Le of H. C. Klover Architects, on behalf of Panda Express and CFT NV Developments, LLC. Mr. Le offered insight on the premise of the sound study. Addressing Ms. Kings question, Mr. Le referred Board to the 3:00 p.m. recordings of Duncan Donuts of the sound study.

Mr. Le offered further comparison of the sound study with the proposed location and comparable property of Dunkin Doughnuts.

Chairman Young opened the public hearing.

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Daniel Creach of 2890 Runnymede Dr., Murfreesboro, TN came forward to express concerns opposing the drive-up window electronic menu board. He stated that there is a direct conflict with the City's regulatory standards of 200 feet. Mr. Creach expressed that customer, vehicular noise, and other ambiguous concerns were not considered in the sound study and that the proposed tree line barrier will take years to mature. He also reviewed the impact of particulate and light pollution to residents of the community.

Shirley Bowman of 2902 Runnymede Dr., Murfreesboro, TN reiterated the negative impact the drive-thru restaurant would have on her quality of life, as her fence is adjacent to the proposed building site and Dunkin Donuts. She asked for the board's consideration to deny

Lynn Watson, attorney representing the property owners, Smotherman Family, reviewed his history of employment as an Assistant City Attorney for the City of Murfreesboro and understanding of the City's zoning ordinance. He stated when the zoning ordinance was adopted and allowed for the issuance of a variance of the distance requirements, it recognized that the 200 feet may not work in every situation. A standard was incorporated into the ordinance to allow special situations like this application to be considered. Mr. Watson expressed his opinion that this proposal exceeded all efforts to meet the conditions of that standard and staff recommendations. Mr. Watson asked that the Board favorably consider the applicant's request for this variance.

Mr. Vu Le came forward to provide further clarification that in addition to the ordinance requirements, additional fencing and landscaping would be installed along the northeast corner to protect Mr. Creach's property

Chairman Young closed the public hearing.

Julie King requested clarification from staff what type of businesses can be here by right and if they would require a similar buffer.

Tim Tipps commented on the anecdotal evidence that the efforts are being made to mitigate the resident's objections.

Ken Halliburton expressed that we're losing the integrity of Commercial Fringe zoning and the 200 ft distance requirement, and the basis of it being established to ensure that we're not negatively affecting residential zoning.

Mr. Blomeley came forward to review the Dairy Queen on Cason Lane, stating that it is currently zoned commercial highway.

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Julie King stated that as a large part of her vote, it is difficult for her to decide today, if it is something that has never been voted on or allowed before in Murfreesboro. Her position rests on whether this has been previously allowed.

Mr. Blomeley offered to locate the record to provide clarification with a 5-10-minute recess.

Tim Tipps made a motion for a recess; the motion was seconded by Julie King.

Mr. Blomeley returned to review the Dairy Queen property file findings, and discuss decisions by the Planning Commission's and Board of Zoning Appeals for this comp.

Tim Tipps made a motion to approve the request subject to the following conditions:

- 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), minimum 4 feet tall earthen berm, and 6 feet tall privacy fence along the east property line.**
- 3. Drive-through window shall be closed and may not be opened or operated between the hours of 10:00 PM to 7:00 AM daily.**

The motion was seconded by Misty Foy. Upon roll call, the motion was passed by the following vote.

**Aye: Tim Tipps
Misty Foy
Chair Davis Young**

**Nay: Ken Halliburton
Julie King**

Staff Reports and Other Business:

- b. Marina Rush announced that in accord with the Executive Order of the Governor, the ability of Tennessee's local governing bodies authority to conduct essential business meeting by electronic means expires today, April 28, 2001. Beginning next month, all meetings will be in person.

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4. Adjourn.

Tim Tipps moved to adjourn the meeting; the motion was seconded by Chairman Young; there being no further discussion, the meeting was adjourned at 2:10 p.m.

CHAIRMAN

SECRETARY

**MINUTES
OF THE CITY OF MURFREESBORO
BOARD OF ZONING APPEALS**

City Hall, 111 W. Vine Street, Council Chambers

JUNE 23, 2021, 1:00 PM

Members Present:

Davis Young, Chair
Julie King
Tim Tipps
Misty Foy

Staff Present:

Marina Rush, *Principal Planner*
Matthew Blomeley, *Assistant Planning Director*
Brad Barbee, *Planner*
Amelia Kerr, *Planner*
Roman Hankins, *Assistant City Attorney*
Serena Harris, *Recording Assistant*

1. Call to order:

Chair Young called the meeting to order at 1:00 pm and announced that in accord with the Executive Order of the Governor all votes would be conducted by roll call.

2. Determination of a quorum:

Chair Young determined that a quorum was present.

3. New Business:

- a. Zoning application [2021-018] for 1144 Fortress Blvd, requesting a variance of the required 8ft side planting yard and a variance of the 15 foot separation required between parking and/or access drives and adjacent property, for a property in the Highway Commercial (CH) and Gateway Design Overlay 1 (GDO-1). (Project Planner: Brad Barbee):**

Brad Barbee presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these minutes by reference.

Matt Taylor of SEC, Inc. 850 Middle Tennessee Blvd, Murfreesboro, TN 37129 offered additional clarification on the project.

Marina Rush advised the board that per the zoning ordinance, the BZA must make written findings both either in favor or against the variance that are specific to the standards and state reason(s) supporting the board's decision. Staff will return findings for signature later.

Chair Young opened the public hearing.

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John Harney offered comments on behalf of applicant Beatty Properties, as the original developer for the property, stating the proposed changes aren't varied from the original master plan.

Chair Young closed the public hearing.

There being no further discussion, Julie King moved to approve the variance application, subject to all staff recommendations; The motion was seconded by Tim Tipps, and upon roll call the motion was approved by the following vote:

Aye: Tim Tipps
Julie King
Misty Foy
Chair Davis Young

Nay: None

b. Zoning application [2021-019] for requesting a special use permit to operate a temporary outdoor vending establishment (seasonal fireworks retailer) in a Light Industrial (LI) zone for property located at 1950 S. Church Street. (Project Planner: Marina Rush)

Marina Rush presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these minutes by reference.

Tim Tipps asked if the structure would be anchored down.

Ms. Rush stated the applicant would need to adhere to permitting regulations by the Building and Codes Department.

Applicant, Isaiah Phillips of 436 Nightcap Lane, Murfreesboro, TN 37128 spoke briefly about the project. Mr. Phillips stated the structure will be dropped on site and he will follow all BZA and Building and Codes guidelines.

Chair Young opened the public hearing.

Chair Young closed the public hearing.

There being no further discussion, Tim Tipps moved to approve the special use application subject to all staff recommendations; The motion was seconded by Misty Foy.

Julie King then highlighted the fifth staff comment reads 'tent,' vs structure, as in the 6th staff comment.

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Tim Tipps moved to amend 5th staff comment to read 'building' and not 'tent'. The motion was seconded by Misty Foy and upon roll call the motion was approved by the following vote:

Aye: Tim Tipps
Julie King
Misty Foy
Chair Davis Young

Nay: None

- c. Zoning application [2021-020] for 210 Rucker Lane, requesting a special use permit for the expansion of an institutional group assembly use by placement of a portable building in a Single Family Residential (RS-15) zone for property located at 210 Rucker Lane. (Project Planner: Amelia Kerr)**

Amelia Kerr presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these minutes by reference.

Julie King inquired if there's a need to include a buffer on the northside of the property. Chair Young inquired at what point does the need for the modular building end.

Matt Taylor of SEC, Inc. offered additional clarification on the project.

Chair Young opened the public hearing.

Chair Young closed the public hearing.

There being no further discussion, Misty Foy moved to approve the application, subject to all staff recommendations; The motion was seconded by Julie King, and upon roll call the motion was approved by the following vote:

Aye: Tim Tipps
Julie King
Misty Foy
Chair Davis Young

Nay: None

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Staff Reports and Other Business

None

The meeting adjourned at 1:34 P.M.

CHAIRMAN

SECRETARY

MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

JULY 28, 2021

Application: Z-21-022

Location: Southwest corner of the intersection of Franklin Road and Covenant Boulevard
(Map 93M, Group B, Parcel 026.00)

Applicant: Aldi represented by Bradley Bork, CESO, Inc.

Owner: Swanson Development, LP

Zoning: Commercial Highway (CH)

Requests: Variance from Chart 2, Appendix A of the City of Murfreesboro Zoning Ordinance, which requires a 42-foot front setback to allow a 20-foot front setback along Malachite Drive.



Overview of Request

The subject property is located at the southwestern corner of Franklin Road, Covenant Boulevard and frontage along Malachite Drive to the south. It is identified as a portion of Map 93M, Group B, Parcel 026.00, contains 2.13 acres, and is zoned Commercial Highway (CH). The property is currently vacant but includes a stormwater detention pond that will serve as drainage for the development of this site and the adjoining property to the west. The applicant wishes to develop

an Aldi grocery store on the subject property and is requesting a setback variance from the required 42 feet to allow a 20-foot setback for the frontage along Malachite Drive. The development site design would comply with the other required setbacks.

The applicant's letter indicates that Aldi would like to build its newest store model, which requires 20,259 square feet and an additional 2,450 square feet for a potential future expansion area. They state because the City's zoning ordinance requires for property zoned CH a 42-foot front setback from the property line(s) that front along streets, that this property having three front setbacks creates the hardship limiting their buildable area. The applicant's letter is attached to the staff report for reference.

Relevant Zoning Ordinance Section

Definitions:

Frontage: All the property fronting on one side of a street, measured along such street, between lot lines, an intercepting street, a right-of-way in excess of thirty feet, an end of a dead-end street, a river, a lake or government boundary.

Lot line, front: In the case of an interior lot abutting upon only one street, the line separating such lot from such street; in the case of a double frontage lot or a corner lot, each line separating such lot from the street shall be considered a front lot line.

Yard requirements: The regulations of Appendix A - Zoning establishing minimum front, side, and rear yard requirements and set-back requirements for various uses, structures, and districts.

Chart 2 – Minimum Yard Setback Requirements:

CH District Setbacks: Front 42 feet Side 10 feet Rear 20 feet

Standards For Variances from Section 10 of the Zoning Ordinance:

The zoning ordinance requires that no bulk variance or other variance be granted unless the applicant establishes that the bulk or other regulations generally applicable in the zoning classification for the property for which a variance is requested impose practical difficulties which are unusual to the property and are not self-created. In addition, the applicant must also show that the bulk or other variance requested will not be unduly detrimental to other property in the vicinity of the property for which the variance is requested. To satisfy the requirements, applicant must submit written justification that the variance requested meets all of the standards contained the Zoning Ordinance.

The applicant states *in italics* the following for each standard:

- (1) That there are practical difficulties due to specifically identified characteristics of the land, such as the narrowness, shallowness, shape, topography or other condition of the land, are such that compliance with one or more applicable zoning regulations would be

extraordinarily and peculiarly difficult or would result in an undue hardship for the Applicant:

According to the applicant, the site is only 2.13 acres with three road frontages, and they are proposing also a shared private drive. Malachite Drive is in the rear of the property and is not a major thoroughfare. For full text, please refer to applicant letter.

Staff response: This standard is not met.

The property is approximately two acres in size, flat topography, general rectangular shaped and not unusually narrow or shallow in shape. Other properties in the CH district and in the vicinity of the subject property that have developed or have been approved for development that are similar size, shape and have three frontages include: property to the west, (Tommy Carwash), property east of the carwash and closer to the applicant site was recently granted site approval (Christian Brothers Automotive), and properties east of the subject site along Franklin Road have developed with commercial uses. This standard requiring unique characteristics that are extraordinary and peculiarly difficult or causing undue hardship is not met.

- (2) The requested variance(s) are due to specifically identified characteristics that are unusual to the subject land as compared to other land in the same zoning classification and in the same area:

According to the applicant, the reasons stated above causes the hardship and meets this standard for unusual characteristics to other land in the same zoning class and same area.

Staff response: This standard is not met.

As stated above, there are other properties in the near vicinity and with the same zoning that have developed. This is not a unique hardship.

- (3) That the requested variance(s) are due to specifically identified characteristics or hardship were not created by any action or inaction of the owner or the owner's agent, not self-created:

According to the applicant, the difficulties on the site are the three road frontages. The public roads were not created by Aldi and are an existing condition at this time.

Staff response: This standard is not met.

Staff agrees that the subdivision of the land and creating the lot with three road frontages was not created by the applicant. However, the building design and future addition is created by the applicant, the building before the addition meets the setbacks, and lastly the lot directly west is vacant and the applicant could contact the owner to inquire about acquiring additional land. Although the owner did not create the subdivision, for the reasons listed this standard is not met.

- (4) That granting the requested variance will not be unduly detrimental to other land in the vicinity of the land for which the variance is requested:

According to the applicant, the requested variances will not be detrimental to other land in the area.

Staff response: This standard is met.

Staff agrees, granting of the variance would not be detrimental to other land in the area.

- (5) That granting the requested variance will not impair an adequate supply of light and air to adjacent properties, unreasonably increase the congestion in public streets, increase the danger of fire or otherwise endanger the public health, safety, comfort, or morals, or substantially impair the intent and purpose of the Zoning Ordinance or of the general plan for the area:

According to the applicant, the requested variances will not impair the adequate supply of light or air to adjacent properties. Nor will it unreasonably increase the congestion in public streets, increase the danger of fire or otherwise endanger the public health, safety, comfort, morals, or substantially impair the intent and purpose of the zoning ordinance. The requested variances will have no effect on these matters.

Staff response: This standard is met.

Staff agrees, granting of the variance would not impair light, air, increase congestion, danger of fire or otherwise endanger public health, safety, comfort or impair the general area in any way.

Staff Comments:

BZA must make specific findings of fact on each of the standards on the variance on whether it is either meeting or not meeting the standards. If in the judgment of the BZA that all of the above standards have not been met by a preponderance of the evidence, the variance must be denied and written findings for the standards not met. If the BZA believes all of the standards have been met by preponderance of the evidence, the variance can be approved, and written findings for the standards are met. Staff recommends that three out of the five required standards have not been met for the variance.

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

Attached Exhibits

- 1) BZA Application
- 2) Applicant Letter
- 3) Site Plan

City of Murfreesboro
BOARD OF ZONING APPEALS

**HEARING REQUEST
APPLICATION**

Location/Street Address: Southwest corner of Franklin Road and Covenant Blvd.

Tax Map: 093M Group: B Parcel: Portion of 02600 Zoning District: CH

Applicant: CESO, Inc. c/o Brad Bork E-Mail: bradley.bork@cesoinc.com

Address: 216 Centerview Road, Suite 150 Phone: 615.928.3338

City: Brentwood State: TN Zip: 37024

Property Owner: Swanson Development LP

Address: 1188 Park Avenue Phone:

City: Murfreesboro State: TN Zip: 37129

Request: Front setback on Malachite Drive reduced from 42' to 20'

Zoning District: CH

Applicant Signature: *Bradley Bork* Date: 07/14/2021

Received By: Receipt #:

Application #: Date:

Murfreesboro
Board of
Zoning Appeals



T E N N E S S E E

HEARING APPLICATION
AND
GENERAL INFORMATION

July 12, 2021

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

RE: Front Setback Variance
ALDI 102 – Franklin Rd and Covenant Blvd

Dear Board of Zoning Appeals:

On behalf of ALDI, CESO has submitted for a front setback variance on Malachite Drive in the rear of the proposed ALDI development. We have requested Malachite Drive be treated as a rear setback reducing the setback distance from 42 ft front setback to 20 ft.

ALDI is one of America's fastest growing retailers, serving millions of customers across the country each month. For 10 years running, ALDI has held the esteemed title of Value Leader among U.S. grocery stores according to the latest Market Force Information and ALDI has been No. 1 for price according to the Dunhumby Retailer Preference Index Report. Since 1976, ALDI has offered a unique shopping experience where customers Shop differently® and never have to compromise on quality, selection or value. The newest ALDI store model is 20,259 SF, with an additional 2,450 SF area designated for a potential expansion in the future. The future expansion space gives ALDI the ability to increase the size of the sales floor if it's determined that additional space is needed to maintain a great shopping experience for customers by increasing the product line.

ALDI has enjoyed serving the residents of Murfreesboro with two current locations in central and northern Murfreesboro. A third location is planned to open in 2022 to support residents on the south side of the City. This location is vital in serving residents on the west side of Murfreesboro. The proposed site is located in the southwest corner of Franklin Road and Covenant Boulevard with a third public road, Malachite Drive, in the rear of the property. Malachite is a minor collector road built to service the commercial properties only. Traffic on this road would only be commercial customers with no residential and no passerby traffic.

Due to property space restrictions and street frontages, this site was very difficult to meet the needs of ALDI and requirements of the City of Murfreesboro. CESO and ALDI worked with city staff to accommodate all the code requirements and additional requests from City staff with the exception of the front setback on Malachite Drive. Please see the enclosed statement of hardship findings in consideration of the variance request to treat Malachite Drive as the rear of the property and reduce the setback distance from 42 feet to 20 feet.

Should you have any further questions, please do not hesitate to contact me at bradley.bork@cesoinc.com or (615) 928 – 3338.

Respectfully,



Bradley Bork, P.E.
Project Manager

Statement of Hardship Findings

Location: ALDI 102 at Franklin Rd and Covenant Blvd

Variance Request: Reduce setback on Malachite Drive from 42' to 20'

In accordance with City of Murfreesboro requirements, an applicant must show the BZA that:

1. That there are practice difficulties, the narrowness, shallowness, or shape, topography or other condition of the land that makes it extraordinarily difficult to comply with generally applicable regulations.

Finding: The site is only 2.13 acres with three public road frontages and a proposed shared private driveway. Typically, this ALDI prototype requires a 2.5 acre parcel to support the required building and parking area in addition to the City's landscape requirements and utility clearances. Typical commercial lots have one, maybe two public road frontages. This parcel has three public road frontages with Franklin Road and Covenant Boulevard acting as true site frontages. Malachite Drive is located in the rear of the site and is not a major thoroughfare. The total City front setbacks on this property at the requirement of 42' encumbers 29,868 square feet (0.69 acres) of the property. This is approximately 32% of the property that is encumbered.

In addition, the existing stormwater pond does not allow the property to expand to the south east. The private driveway and neighboring development does not allow for expansion to the west.

2. That there are unusual characteristics, the property's physical features are unusual when compared to other property in the same zoning district.

Finding: As described above, the three public road frontages encumbers 32% of the site with front building setbacks.

3. The neither the practice difficulties nor the unusual characteristics of the property resulted from any deliberate action of the landowner.

Finding: The difficulties on this site are the three road frontages. These public roads were not created by ALDI and are an existing condition at this time.

In accordance with City of Murfreesboro requirements, the BZA must make specific factual findings that:

4. The variance will not impair an adequate supply of light and air to adjacent property.

Finding: The front setback variance will not be adjacent to any other properties.

5. The variance will not unreasonably increase the congestion in public streets.

Finding: The front setback variance will not affect traffic flow on the public streets or add any additional vehicles to the roadways. The variance request only applies to Malachite Drive which is a minor collector street used for the commercial lots only. No residential homes are located off this roadway.

6. The variance will not increase the danger of fire.

Finding: There is no front setback requirement in the fire codes. The 20' setback proposed complies with rear setback standard in this zoning district which provides adequate fire safety. The location of the building will also not affect fire truck circulation or visibility.

7. The variance will not endanger the public health, safety, comfort, morals or welfare of city residents.

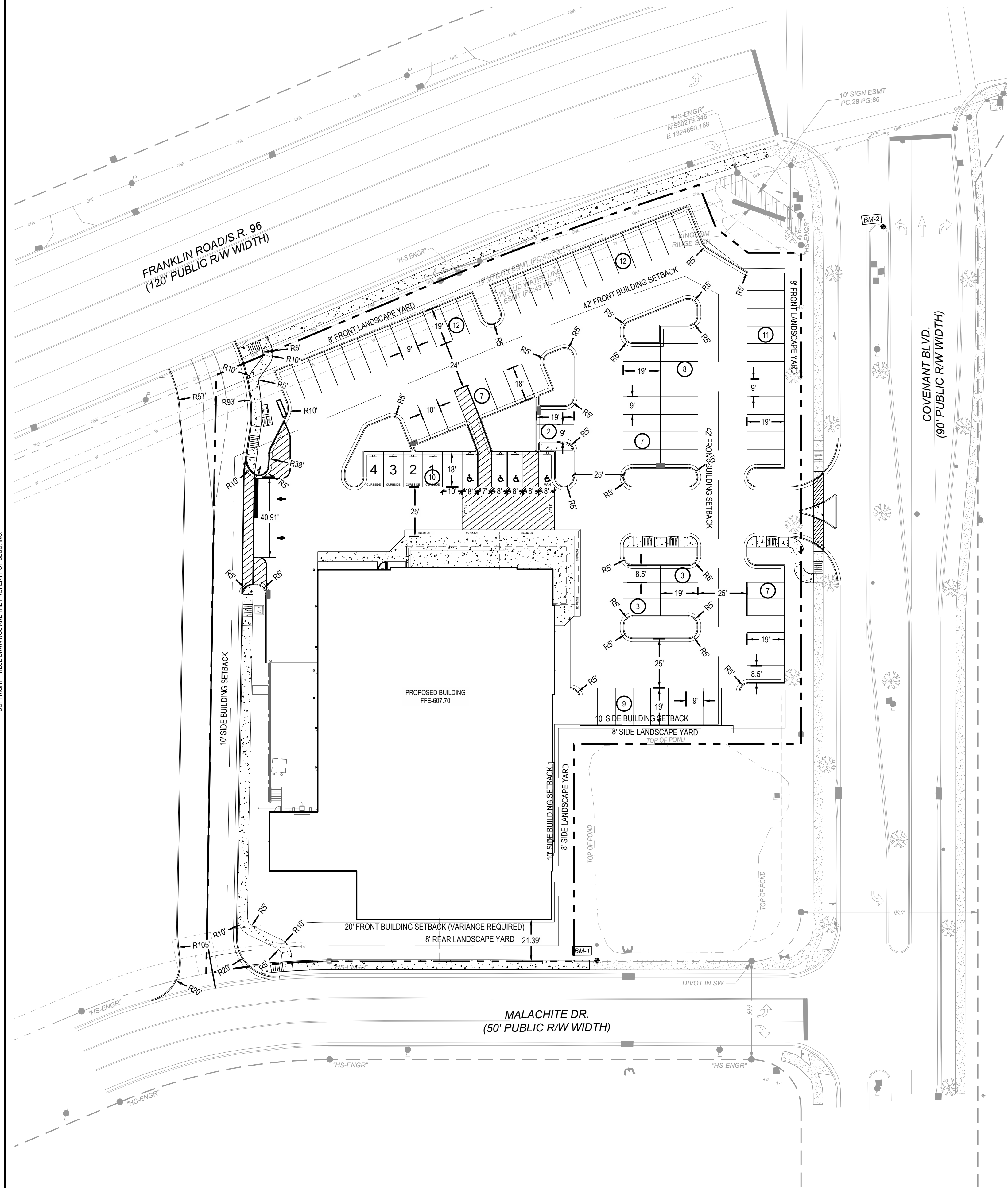
Finding: The front setback variance will not affect public safety or welfare. Twenty feet road setbacks for commercial uses are allowed in many other Authorities Having Jurisdiction, including Metro Nashville.

In addition, Malachite Drive is a minor collector road that anticipates low average daily trips (ADT). All traffic on Malachite Drive will be for access to other commercial developments and services no residential uses.

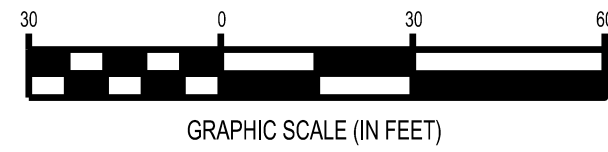
ALDI would like to offer the following conditions to help offset visual appearance concerns from the BZA if the variance is granted.

1. The city landscape code requires an 8 ft street landscape yard with trees 1 per 40 LF and shrubs 1 per 5 LF. ALDI offers to provide additional screening at a rate of 1 tree per 30 LF of frontage and 1 shrub per 3 LF of frontage. In order to accommodate the additional planting, ALDI proposing increasing the street landscape yard to 12 feet.

COPYRIGHT: THESE DRAWINGS ARE THE PROPERTY OF CESO, INC.



BENCHMARKS	
BM-1:	MAG NAIL - SIDEWALK N: 549887.925 E: 1924747.654 EL: 603.93 SPC: (NAD 83) TN GRID NORTH, ELEV:(NAVD 88)
BM-2:	MAG NAIL - TOP OF CURB N: 550244.350 E: 1924931.160 EL: 613.65 SPC: (NAD 83) TN GRID NORTH, ELEV:(NAVD 88)



REVISION DESCRIPTION
NO. DATE



PRELIMINARY-
NOT FOR
CONSTRUCTION

ALDI
COVENANT BOULEVARD
COVENANT BOULEVARD AND FRANKLIN ROAD

SITE EXHIBIT

ISSUE:	CONCEPT
DATE:	06/28/2021
JOB NO.:	758142
DESIGN:	NRC
DRAWN:	NRC
CHECKED:	MBR
SHEET NO.	EX

**MURFREESBORO BOARD OF ZONING APPEALS
STAFF REPORT
July 28, 2021**

Application: Z-21-021
Location: 3920 Blaze Drive, along northwest corner of Blaze Dr. and Fortress Blvd.
Applicant: Rutherford County Government, represented by SEC, Inc.
Zoning: Single Family Residential (RS-15) District
Request: Special Use Permit to construct public building, State DMV and County Register's satellite offices.



Request Overview

Rutherford County Government wishes to construct a public building for a State DMV and County Register's satellite offices on property that is zoned RS-15 (single family residential-15,000 sq ft minimum lot size). The property is located at the intersection of Blaze Drive and

Fortress Boulevard, at the northwest corner adjacent to the City of Murfreesboro Fire Station #11 and Police Office. Adjacent to the properties to the south are the Rutherford County E-911 building and Blackman Middle School located directly across Blaze Drive.

The subject property a 17.6-acre site owned by the City of Murfreesboro. Rutherford County will lease approximately 5.54 acres of the property for this project and future development.

The office's hours of operation are Monday through Friday, 7:00AM-6:00PM. Traffic projections for peak times will be mostly employees. The proposed facility will be accessed thru the existing private drive on Blaze Drive and an entrance off Fortress Boulevard and will include 86 parking spaces for employees and customers daily. On site lighting will be directed down onto the site. The property is zoned RS-15, which allows a public building with a special use permit.

Relevant Zoning Ordinance Section

In accordance with Chart 1, of the City Zoning Ordinance, public buildings are an allowed use in the RS-15 zoning district with approval of a Special Use Permit from the Board of Zoning Appeals (BZA).

Standards of General Applicability for Special Use Permits

The Board of Zoning Appeals is authorized to grant special use permits for uses specified in Chart 1. The applicant must present evidence for the following standards in accordance with the City of Murfreesboro Zoning Ordinance, Section 9 (C)(1-5):

- A. 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.**

Traffic: The peak times for the site's traffic will occur as employees arrive and leave for work. Public traffic to the site would occur sporadically throughout the business office hours, Monday through Friday, 7:00AM-6:00PM.

The start time will be in the same general time as the schools start times, but since the entrance is about 1,730 feet from the school's entrance, it is not expected to cause additional congestion. The end time is after the schools' peak traffic times.

Parking: All the parking requirements for the building are contained on the site itself and will not have any connectivity with the surrounding residential neighborhoods.

Utilities: There are existing utilities along the site that can be accessed and connected to for use by the property

B. 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 toward Blaze Drive. The site will be accessed via two access drives from Fortress Boulevard and Blaze Drive that will provide for full turning movements.

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

The existing natural landscaping along the north property line will remain to the extent grading allows and be enhanced to meet the requirements of the zoning ordinance.

The trash enclosures have been located to the rear of the building and have been enclosed with a solid screen wall and further screened with landscaping.

C. 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 two public streets: Blaze Drive – a three-lane Community Collector, and Fortress Boulevard – a five-lane major Arterial. The intersection of these two streets is signalized and includes signalized turn movements.

All of the parking needs for the building are contained on the site itself and will not have any connectivity with the surrounding residential neighborhoods. The total parking spaces for the initial phase of the project is shown as 86.

The drainage for the site is directed toward the north to proposed on-site detention pond. The pond will release toward Puckett Creek.

Solid waste disposal will be handled via a proposed dumpster located behind the building.

A public water main will be extended along the public roads' frontage and to the rear of the building, providing fire protection and domestic water feeds to the building.

Sanitary sewer service is located on the corner of the property at Blaze Drive and Fortress Boulevard. It will be extended along the Fortress Boulevard and a service line run to the rear of the building.

D. 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.

The existing 70-foot buffer of trees along the site's north property line will mostly remain. A detention pond is proposed along that existing tree buffer. A driveway entrance is proposed ingress/egress from Fortress Boulevard. These features will require removal of some of the buffer, but these are not significant natural, scenic or historic importance and are not within 50 feet of the north property line.

E. That the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing use.

This proposed use will need to obtain Site Plan Approval and building permits. As such, it will be required to comply with all standards of the City of Murfreesboro.

Staff Comments

The proposed State DMV and County Register's satellite office is a compatible use with the adjacent uses on Blaze Drive. It will not have adverse impacts on the surroundings; will be compatible with the immediate vicinity; will be served adequately by existing infrastructure; and will not result in any damage to any natural, scenic, or historic feature.

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

Attached Exhibits

- 1) BZA Application
- 2) Applicant's Letter
- 3) Applicant's Plans

City of Murfreesboro
BOARD OF ZONING APPEALS

HEARING REQUEST
APPLICATION

Location/Street Address: Northwest corner of Fortress Blvd & Blaze Dr

Tax Map: 92 Group: Parcel: 46.01 Zoning District: RS-15

Applicant: Rutherford County Govt E-Mail: mhughes@rutherfordcountyttn.gov

Address: 1 Public Square Phone: (615) 898-7730

City: Murfreesboro State: TN Zip: 37129

Property Owner: City of Murfreesboro

Address: 111 West Vine St Phone: 615-893-6441

City: Murfreesboro State: TN Zip: 37129

Request: Special use permit to allow a public building in a RS-15 zoning district

Zoning District: RS-15

Applicant Signature:  Date: 9-12-2021

Received By:

Receipt No.:

Application #:

Murfreesboro
Board of
Zoning Appeals



HEARING APPLICATION
AND
GENERAL INFORMATION

July 12, 2021

Mrs. Amelia Kerr
City of Murfreesboro
111 W Vine St
Murfreesboro, Tennessee 37130

RE: Rutherford County One Stop
BZA Special Use Permit Amendment
Murfreesboro, Tennessee
SEC Project No. 20342

Dear Amelia:

Pursuant to Section 8 – Procedure for Uses Requiring Special Permits and Section 9 – Standards for Special Permit Uses of the City of Murfreesboro Tennessee 2013 Zoning Ordinance in regards to the proposed ***Rutherford County One Stop*** (Parcel 46.01 of Tax Map 92 at the corner of Blaze Drive and Fortress Boulevard), 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

Rutherford County One Stop
Rutherford County Government
Public Square
Murfreesboro, TN 37129

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

City of Murfreesboro currently owns the 17.6-acre site. The applicant will lease approximately 5.54 acres of the property.

(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

3918-3924 Blaze Dr.
Murfreesboro, TN 37128

(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-15.

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

1.) Hours and days of operation

Monday through Friday, 7:00AM-6:00PM.

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

This proposed use is a satellite convenience renewal office for driver’s license and automobile registration(State DMV and County Register’s Office) and is expected to use 86 parking spaces for employees and customers daily.

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

Traffic projections for peak times will be mostly impacted by employees. The parking lot is projected to have approximately 86 spaces.

(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

This proposed site is over 1,000 feet from any residence and is not expected to cause an impact on such.

The existing natural landscaping along the northern property line will remain to extent grading allows 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.

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.**

Traffic: The peak times for the site’s traffic will occur as employees arrive and leave for work. The three schools’ bell times and distance between entrances are as follows:

<u>School</u>	<u>Start</u>	<u>End</u>	<u>Entrance Distance Separation</u>
Blackman Elementary School	7:30	2:30	1,635 feet
Blackman High School	8:30	3:30	1,240 feet
Blackman Middle School	8:00	3:00	1,730 feet

The start time will be in the same general time as the schools start times, but since the entrance is about 1,730 feet from the school’s entrance, it is not expected to cause additional congestion. The end time is after the schools’ peak traffic times.

Parking: All the parking requirements for the building are contained on the site itself and will not have any connectivity with the surrounding residential neighborhoods. Two drive-through bays will allow queuing for approximately 17 vehicles.

Utilities: There are existing utilities along on site that can be accessed and connected to for use by the property:

Water: CUD has a waterline along Blaze Drive and Fortress Blvd.

Sanitary Sewer: MWRD has sanitary sewer located along Blaze Drive. The applicant will be responsible for extending the sewer along Fortress Blvd. into the subject property.

Electric: MTE has electrical service along Blaze Drive and Fortress Blvd. via overhead lines.

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 toward Blaze Drive. The site will be accessed via 2 access drives from Fortress Boulevard and Blaze Drive that will provide for full turning movements. The proposed building will be a single-story building with exterior materials as shown on the architectural elevations. 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. The existing natural landscaping along the north property line will remain to the extent grading allows and be enhanced to meet the requirements of the zoning ordinance. The trash enclosures have been located to the rear of the building 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 subject property is located along two public streets: Blaze Drive – a three-lane Community Collector, and Fortress Boulevard – a five-lane major Arterial. The intersection of these two streets is signalized and includes signalized turn movements.

All of the parking needs for the building are contained on the site itself and will not have any connectivity with the surrounding residential neighborhoods. The total parking spaces for the initial phase of the project is shown as 86.

The drainage for the site is directed toward the north to proposed on-site detention pond. The pond will release toward Puckett Creek.

Solid waste disposal will be handled via a proposed dumpster located behind the building.

A public water main will be extended along the public roads' frontage and to the rear of the building, providing fire protection and domestic water feeds to the building.

Sanitary sewer service is located on the corner of the property at Blaze Drive and Fortress Boulevard. It will be extended along the Fortress Boulevard and a service line run to the rear of the building.

- 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**

The existing 70-foot buffer of trees along the site's north property line will mostly remain. A detention pond is proposed along that existing tree buffer. A driveway entrance is proposed from Fortress Boulevard. These features will require removal of some of the buffer, but not within 50 feet of the north property line. No other 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 (zz)**

(zz) 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 located outside the required front yard and no parking is proposed to back onto the public street.

- 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-15 zone requires a minimum of 15,000 s.f. lots thus the minimum size allowed is 45,000 s.f. or 1.033 acres. The property is to be divided such that this site's lot will be approximately 5.54 acres. The entire property is approximately 17.6 acres in size.

- 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**

Previous and future photometric plans 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.

- 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 behind the proposed building. The dumpster will be sited on a concrete pad and will have 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.

- 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***

No outdoor use is proposed.

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

The parking spaces for this project is 86 parking spaces. There are 69 proposed future parking spaces, bring the total to 155 spaces. This exceeds the ordinance requirements of 49 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 to the facility which may be subject to separate regulation***

No such use is proposed associated with this 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***

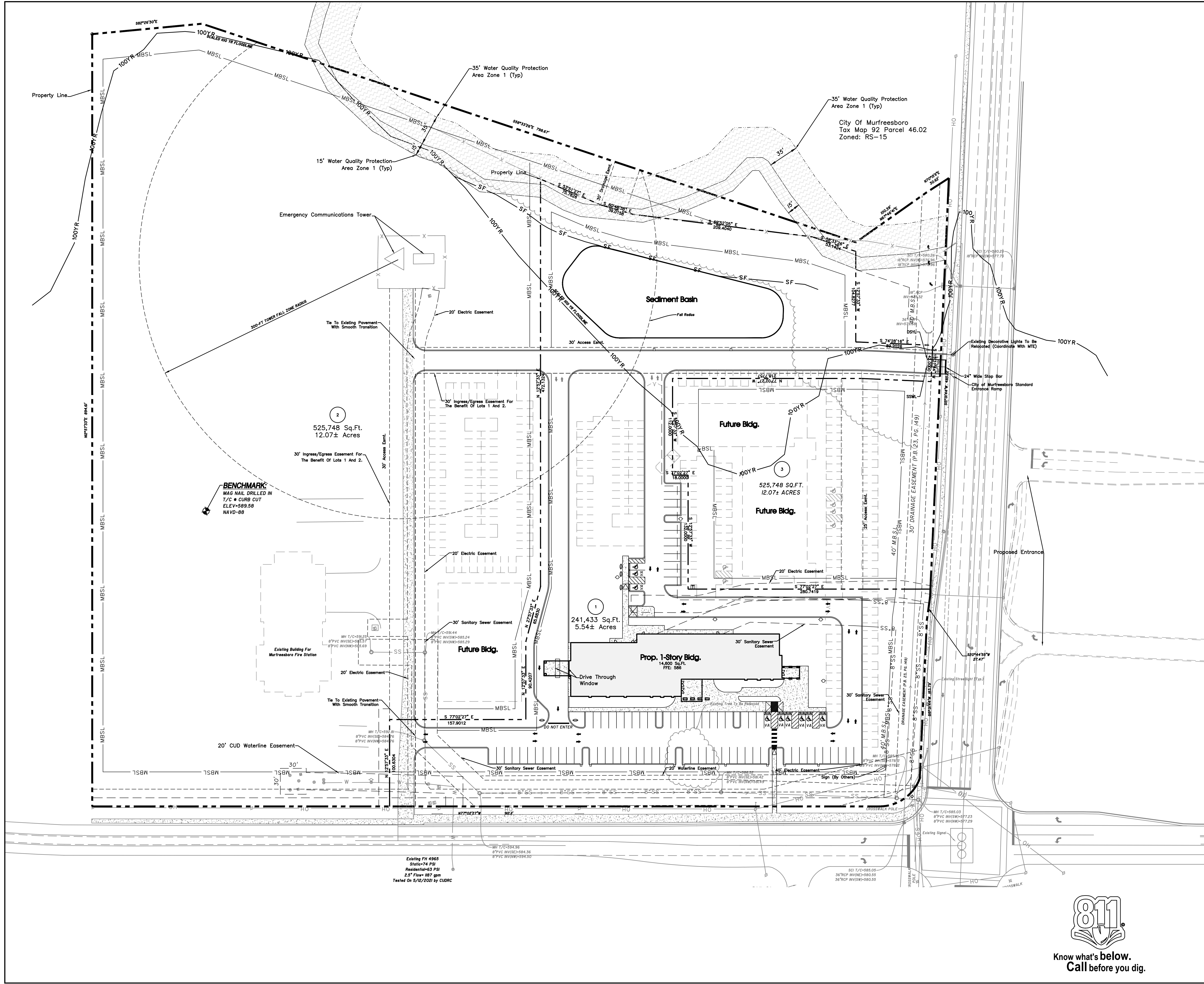
The two drive-through bays will use low-level speakers to communicate with customers.

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,

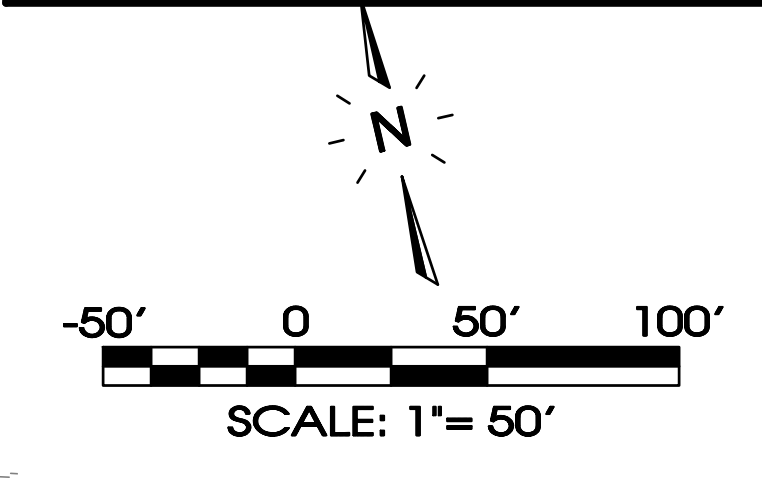


Matt Taylor, P.E.
Vice President
SEC, Inc.



Legend:

□	EXIST. CONCRETE MONUMENT	▣	BLOW OFF VALVE
●	IRON PIN SET (I.P.S.)	▢	CONCRETE THRUST BLOCK
○	IRON PIN FOUND (I.P.F.)	▣	DOUBLE DETECTOR CHECK VALVE
+	EXIST. SIGN POST	⌘	REMOTE FIRE DEPT. CONNECTION
○	EXIST. SEWER CLEANOUT	⌘	FIRE DEPT. CONNECTION
○	EXIST. MANHOLE (SEWER & PHONE)	⌘	FIRE HYDRANT
○	EXIST. CATCH BASIN (STORM SEWER)	⌘	REDUCER
⊗	EXIST. WATER/GAS VALVE	⊗	GATE VALVE & BOX
⊗	EXIST. TELEPHONE RISER	⊗	POST INDICATOR VALVE
⊗	EXIST. GAS RISER	⊗	WATER METER
⊗	ELECTRICAL ENCLOSURE	⊗	SEWER/STORM FLOW DIRECTION
⊗	EXIST. WATER METER	⊗	MANHOLE
⊗	EXIST. UTILITY POLE	⊗	HANDICAP PARKING SYMBOL
⊗	EXIST. FIRE HYDRANT	⊗	HC SIGN
⊗	BENCHMARK	⊗	PROPOSED SIGN POST
⊗	REVISION NUMBER	⊗	CONCRETE SIDEWALK
⊗	CURB & GUTTER	⊗	EXTRUDED CURB



Owner:
City of Murfreesboro
111 West Vine Street
Murfreesboro, TN 37133

Developer:
Rutherford County Government
Public Square
Murfreesboro, TN 37129

Deed Reference:
Tax Map 92 Parcel 46.01
R.Bk 623 Pg 183

Yard Requirements:
Front: 40'
Side: 12.5'
Rear: 30'

Intended Use:
Government Office

Land Use Data:
Zoned: RS-15
1-Story Building
Building Ht.: " "
Total Floor Area: 14,600 Sq.Ft.
1 Lot on: 17.61± Acres

Parking Requirement:
300 Sq.Ft.
Provided: Regular + 2 H.C. = Total
Spaces Provided

Flood Map No.:
A portion of this site lies within Zone AE, in the 100 Year Floodplain, per Community Panel 47149C0255H dated January 5, 2007.

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

DATE:	7-12-2021
CHECKED:	MAT
FILE NAME:	20342-BZA
SCALE:	1"=50'
JOB NO.:	20342
SHEET:	C3.0

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

Site Plan

Rutherford County One Stop Review Set
(Not Intended For Construction)

Murfreesboro, Tennessee

525,748 Sq.Ft.
12.07± Acres

Access/Egress Easement For
Benefit Of Lots 1 And 2.

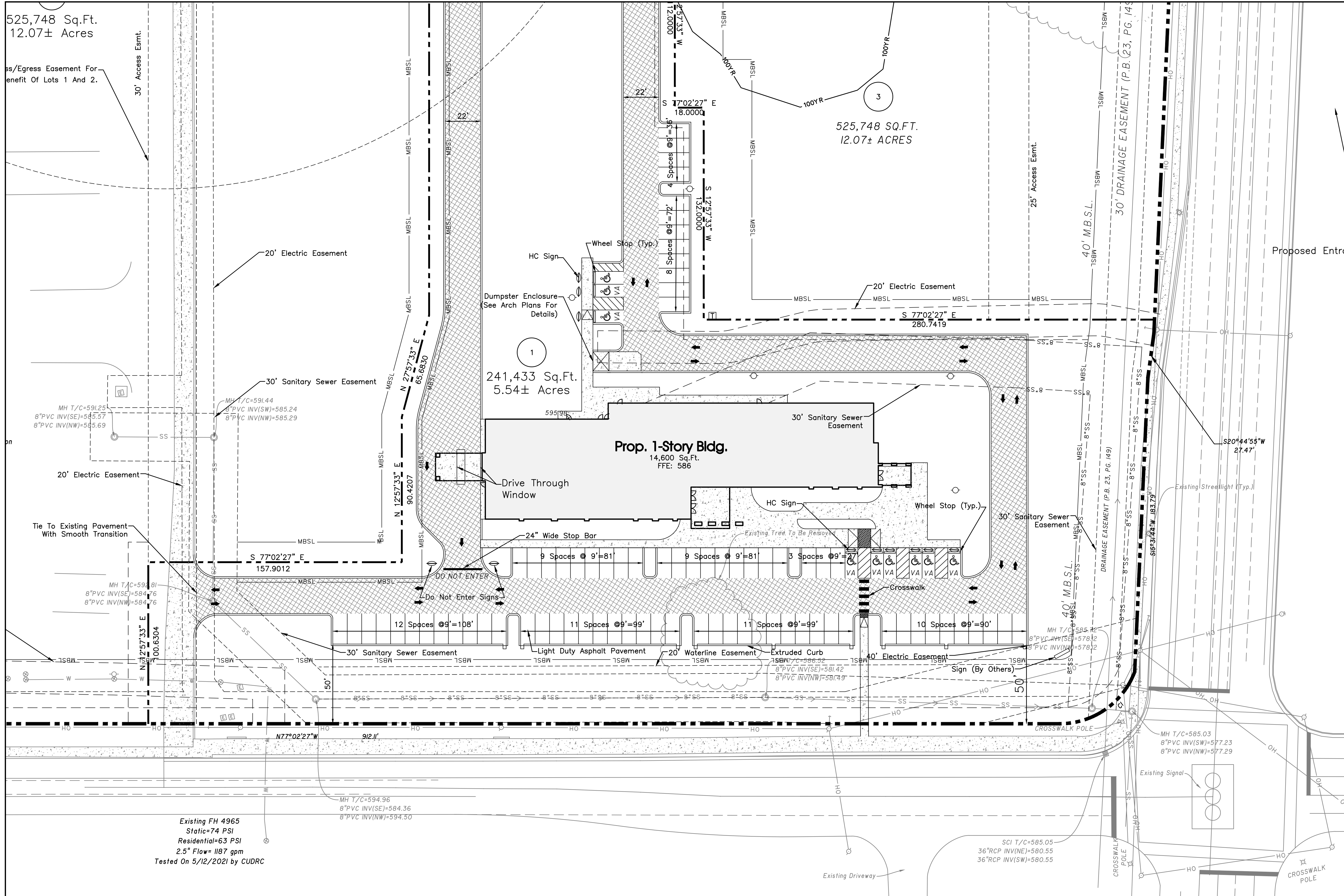
20' Electric Easement

30' Sanitary Sewer Easement

20' Electric Easement

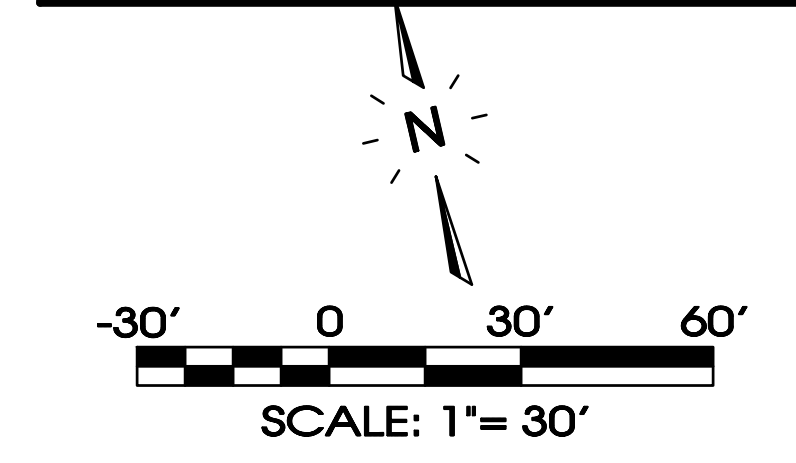
Tie To Existing Pavement
With Smooth Transition

Existing FH 4965
Static=74 PSI
Residential=63 PSI
2.5" Flow= 1167 gpm
Tested On 5/12/2021 by CUDRC



Legend:

□	EXIST. CONCRETE MONUMENT	▣	BLOW OFF VALVE
●	IRON PIN SET (I.P.S.)	▣	CONCRETE THRUST BLOCK
○	IRON PIN FOUND (I.P.F.)	▣	DOUBLE DETECTOR CHECK VALVE
+	EXIST. SIGN POST	+	REMOTE FIRE DEPT. CONNECTION
○	EXIST. SEWER CLEANOUT	+	FIRE DEPT. CONNECTION
○	EXIST. MANHOLE (SEWER & PHONE)	+	FIRE HYDRANT
○	EXIST. CATCH BASIN (STORM SEWER)	+	REDUCER
○	EXIST. WATER/GAS VALVE	+	GATE VALVE & BOX
○	EXIST. TELEPHONE RISER	+	POST INDICATOR VALVE
○	EXIST. GAS RISER	+	WATER METER
○	ELECTRICAL ENCLOSURE	+	SEWER/STORM FLOW DIRECTION
○	EXIST. WATER METER	○	MANHOLE
○	EXIST. UTILITY POLE	○	HANDICAP PARKING SYMBOL
○	EXIST. FIRE HYDRANT	○	HC SIGN
+	BENCHMARK	+	PROPOSED SIGN POST
+	REVISION NUMBER	+	CONCRETE SIDEWALK
+	CURB & GUTTER	+	EXTRUDED CURB



Owner:
City of Murfreesboro
111 West Vine Street
Murfreesboro, TN 37133

Developer:
Rutherford County Government
Public Square
Murfreesboro, TN 37129

Deed Reference:
Tax Map 92 Parcel 46.01
R.BK 623 Pg 183

Yard Requirements:
Front: 40'
Side: 12.5'
Rear: 30'

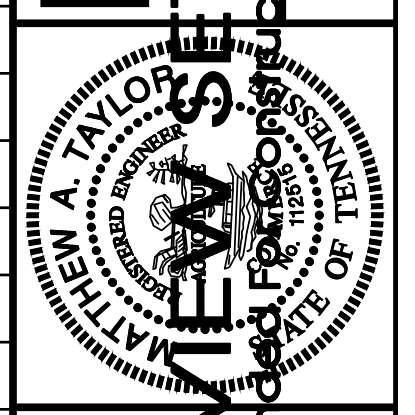
Intended Use:
Government Office

Land Use Data:
Zoned: RS-15
1-Story Building
Building Ht.: -'-"
Total Floor Area: 14,600 Sq.Ft.
1 Lot on: 17.61± Acres

Parking Requirement:
300 Sq.Ft.
Provided: 49 Regular + 2 H.C. = 51 Total
Spaces Provided

Flood Map No.:
A portion of this site lies within Zone AE, in the 100 Year Floodplain, per Community Panel 47149C0255H dated January 5, 2007.

SEC, Inc.
ENGINEERING • SURVEYING • LAND PLANNING
LANDSCAPE ARCHITECTURE
850 MIDDLE TENNESSEE BOULEVARD
MURFREESBORO, TENNESSEE 37129
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FAX: (615) 895-2567
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Rutherford County One Store REVIEW SET
(Not Interfered For Construction)
Murfreesboro, Tennessee

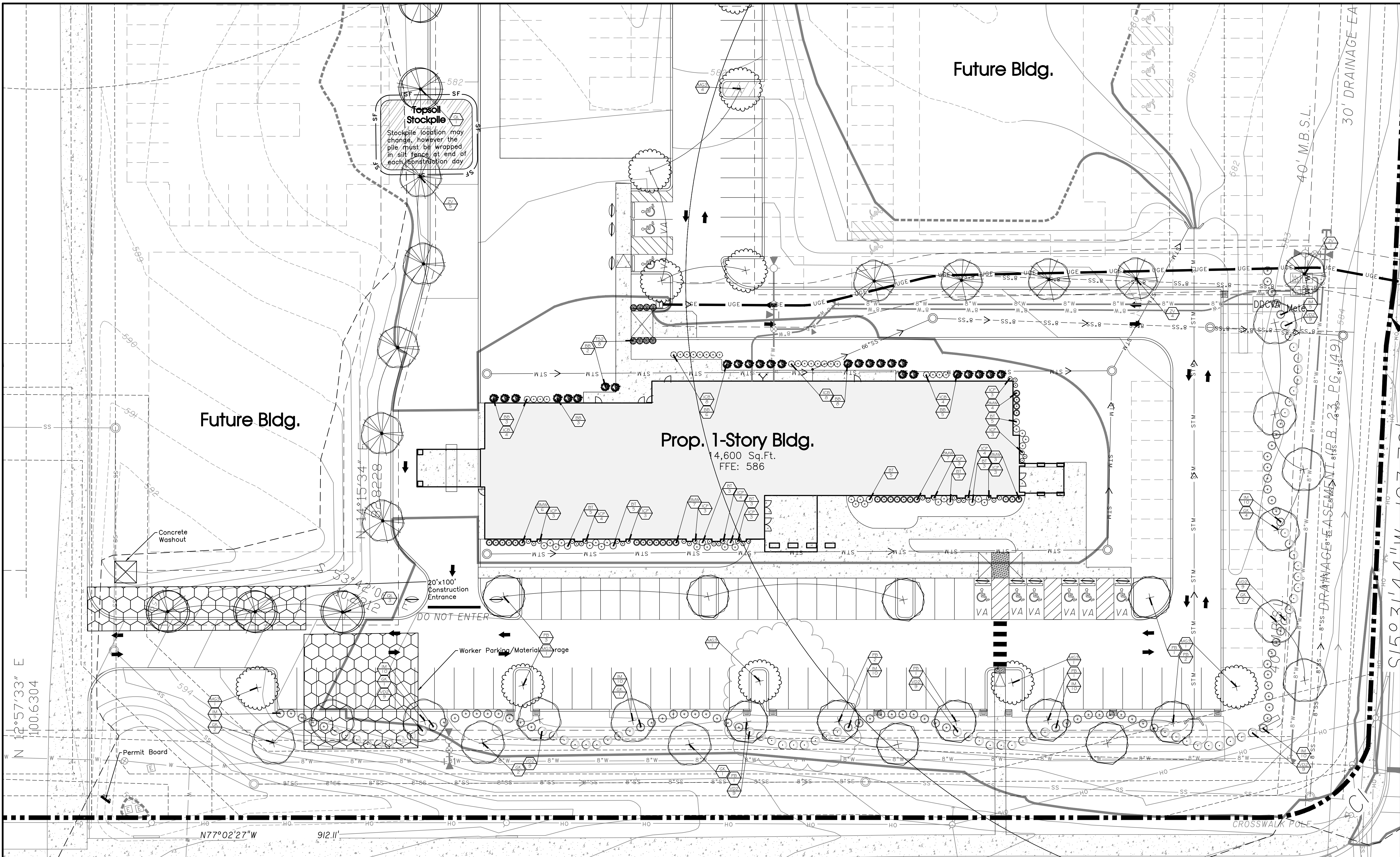
Site Plan

REVISIONS:

DRAWN: SJA, CFB3
DATE: 7-12-2021
CHECKED:
MAT
FILE NAME:
20342-BZA
SCALE:
1" = 30'
JOB NO.
20342
SHEET:

C3.0





Topsoil Stockpile
 Stockpile location may change, however, the pile must be wrapped in silt fence at end of each construction day

Prop. 1-Story Bldg.
 4,600 Sq. Ft.
 FFE: 586

Future Bldg.

Future Bldg.

Concrete Washout

Permit Board

Worker Parking/Material Storage

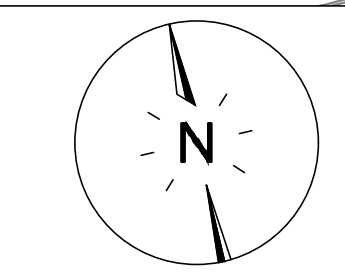
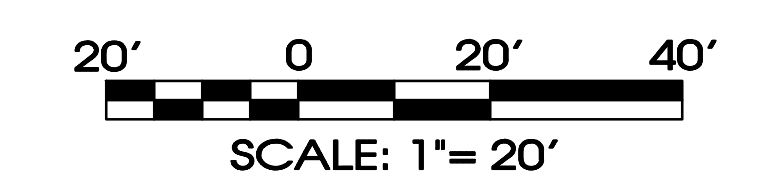
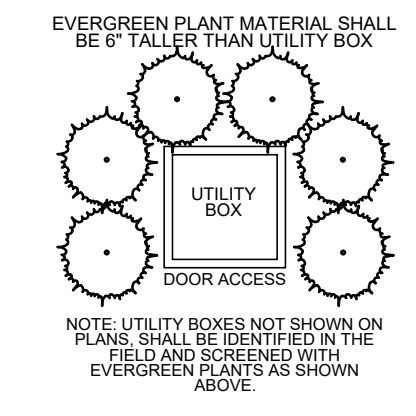
20'x100' Construction Entrance
 DO NOT ENTER

CROSSWALK POLE

40' M.B.S.L.
 30' DRAINAGE EA

N 12°57'33" E
 100.6304

N77°02'27" W
 912.11'

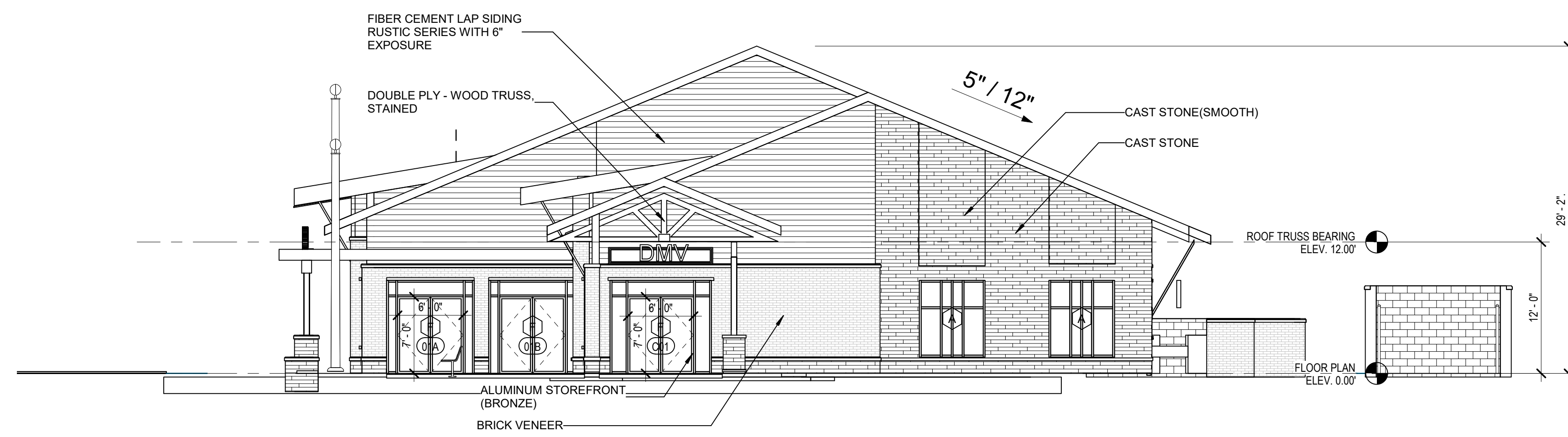


SITE ENGINEERING CONSULTANTS
 ENGINEERING • SURVEYING • LAND PLANNING
SEC, Inc.
 LANDSCAPE ARCHITECTURE
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 The site as shown on these construction drawings is intended to achieve specific engineering design criteria and objectives. It is the sole responsibility of the owner/developer to ensure that the construction of the site shown on these construction drawings is in total accordance with the design as noted, described, or otherwise indicated on these drawings, and that the construction is completed in accordance with the construction plans.

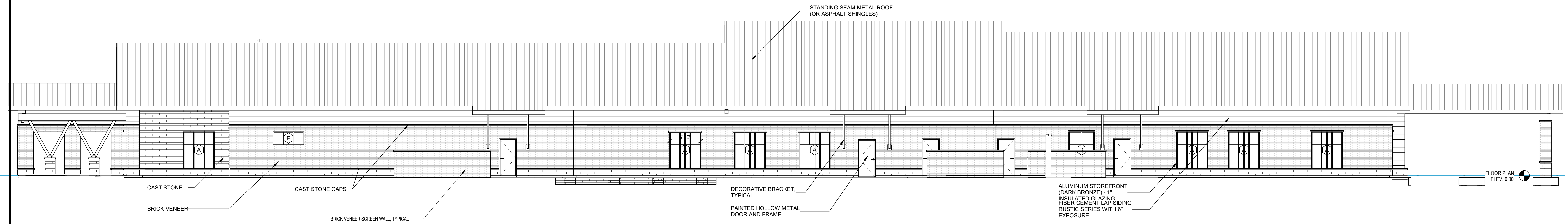


Rutherford County
 One Stop
 Murfreesboro, Tennessee

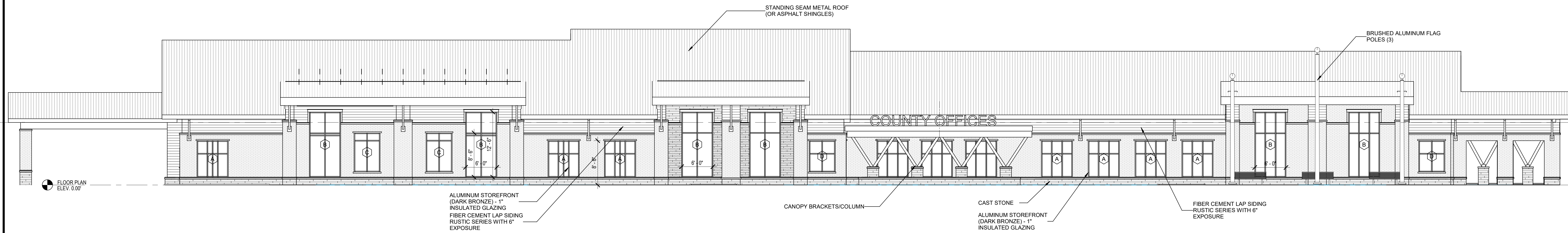
REVISIONS:	06-11-2021: DDP: SUBMITTAL
DRAWN:	SWL
DATE:	05-20-2021
CHECKED:	RSM
FILE NAME:	20342-OneStop_LA
SCALE:	1" = 20'
JOB NO.:	20342
SHEET:	L1.1



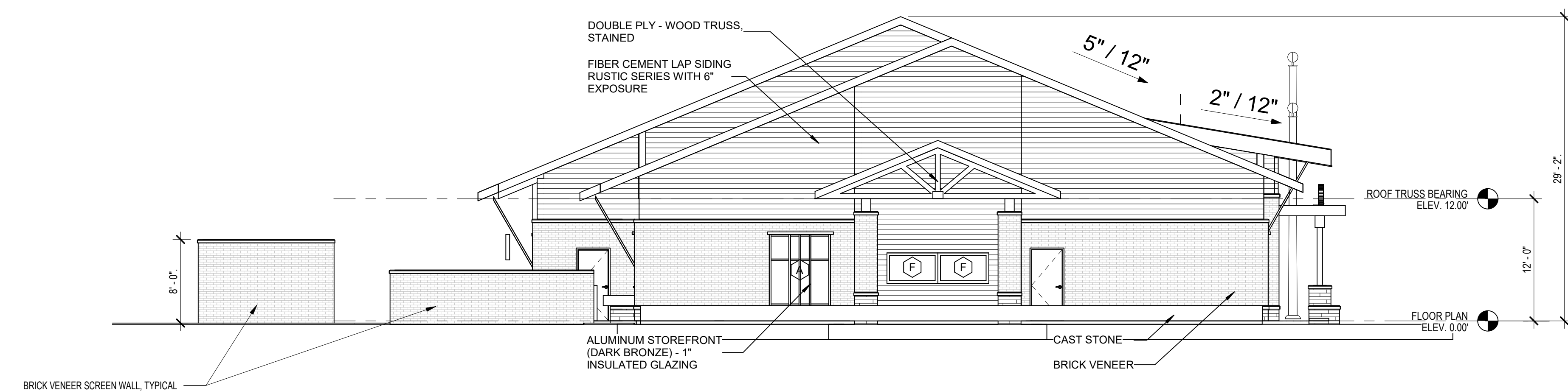
1 EAST ELEVATION
1/8" = 1'-0"



2 NORTH ELEVATION
1/8" = 1'-0"



3 SOUTH ELEVATION
1/8" = 1'-0"



4 WEST ELEVATION
1/8" = 1'-0"

ELEVATION GENERAL NOTES:

BRICK VENEER WRAPS ALMOST THE ENTIRE BUILDING. CAST STONE WATER TABLE WRAPS THE BUILDING FROM THE GROUND UP TO 18 INCHES, WHERE THE BRICK VENEER BEGINS. THE BRICK VENEER GOES UP TO ANOTHER 8' 6" FEET. AT 10' THERE IS A STONE CAP AT THE TOP OF THE BRICK VENEER. THE WALL THEN TRANSITIONS TO RUSTIC SERIES FIBER CEMENT LAP SIDING TO THE TOP OF THE WALL. THE ROOF IS A STANDING SEAM METAL ROOF. THERE IS ONE AREA ALL CAST STONE SEEN FROM THE WEST ELEVATION.



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EXTERIOR ELEVATIONS

RUTHERFORD COUNTY ONE STOP
BLAZE DRIVE & FORTRESS BOULEVARD
MURFREESBORO, TENNESSEE 37128

REVISIONS

PROJECT NO. 1910
DATE 6/11/2021
SHEET NO.

A5.01