

# **CITY OF MURFREESBORO PLANNING COMMISSION AGENDA**

**City Hall, 111 W. Vine Street, Council Chambers**

**FEBRUARY 1, 2023  
6:00 PM**

**Kathy Jones  
Chair**

- 1. Call to order**
- 2. Determination of a quorum.**
- 3. Approve minutes of the January 11, 2023 and January 18, 2023 Planning Commission meeting.**
- 4. Public Hearings and Recommendations to City Council:**
  - a. Zoning application [2022-427] for approximately 9.8 acres located along the east side of Agripark Drive to be rezoned from CH to PRD (Arden at Murfreesboro PRD), FC Murfreesboro, LLC applicant. (Project Planner: Marina Rush)
  - b. Zoning Ordinance amendment [2023-801] regarding amendments to Section 34: Floodplain Zoning, City of Murfreesboro Planning Department applicant. (Project Planner: Jennifer Knauf)
  - c. Annexation petition and plan of services [2023-501] for approximately 146 acres located along Highway 99 south of Clearidge Drive, City of Murfreesboro applicant. (Project Planner: Marina Rush)
- 5. Staff Reports and Other Business:**
  - a. Mandatory Referral [2023-701] to consider the abandonment of a sanitary sewer easement located along Stonecenter Lane in the Stonebridge at Three Rivers development, John Miner of SEC, Inc. applicant. (Project Planner: Amelia Kerr)
  - b. Mandatory Referral [2023-702] to consider the abandonment of a sanitary sewer easement located on property at the southeast corner of Franklin Road and Veterans Parkway, Richard Blasey of Bergmann Associates applicant. (Project Planner: Amelia Kerr)
  - c. Mandatory Referral [2023-703] to consider the Abandonment of Certain Greenway Trail Easements and approval of an Agreement for Conservation Easement for

# **MURFREESBORO PLANNING COMMISSION AGENDA**

**PAGE 2**

**February 1 2023**

Greenway Trail Purposes located on property along Medical Center Parkway & the Stones River, City Legal Department applicant. (Project Planner: David Ives)

**6. Adjourn.**

**MURFREESBORO PLANNING COMMISSION  
STAFF COMMENTS, PAGE 1  
FEBRUARY 1, 2023  
PROJECT PLANNER: MARINA RUSH**

- 4.a. **Zoning application [2022-427] for approximately 9.75 acres located along the east side of Agripark Drive to be rezoned from CH to PRD (Arden at Murfreesboro PRD), FC Murfreesboro, LLC applicant.**

The applicant is requesting to rezone the property from CH (Commercial Highway) to PRD (Planned Residential District). The subject property, approximately ten acres in size, is currently vacant and is located along the east side of Agripark Drive and north of Old Fort Parkway. The property tax map number is: Tax Map 92, Parcel 33.01.

The rezoning requested is to allow the development of an “age restricted to 55+ for independent living” for a **total of 166 residential rental units**. The overall density will be 17.03 dwelling units per acre.

**Arden at Murfreesboro PRD**

The requested PRD would allow development of 166 residential units for rent for senior independent living and age restricted to 55+. The applicant described senior independent living as housing for seniors that are active and do not need support with their daily activities and are interested in activities and amenities that the facility would provide.

The Arden at Murfreesboro PRD program book for 166 residential units includes the following elements:

- One 4-story building: 46.5-50 feet height, 136 residential units with 1 BR = 61 units and 2 BR = 75 units. Floor area will range from 670 to 1,400 square feet.
- Fifteen cottages with 2-units each: 30 residential 2 BR units. Floor area will be 1,200 square feet each.
- Parking Total: 198 spaces. This is comprised of 163 surface parking spaces and 35 garaged spaces (5-detached garage buildings with 7 parking spaces per building).
- Detention ponds (2).
- Amenities/interior described in Arden PRD (pages 22 and 23): controlled building access and management offices, two elevators. First floor includes: community dining room for meal service if resident wishes to utilize this amenity, kitchen equipment, library, pet washroom, and storage units. Second floor includes: fitness center, wellness/meditation center, craft/business center, pub/game room, and balcony overlooking the pool and courtyard areas.

- Amenities/exterior described in Arden PRD (page 24): 2 pickle-ball courts, pool house, pool, grilling station, event lawn, fireplace/pit area, seating areas, dog park, extensive landscaping areas and walking paths with benches;
- Additional Services Available (a la carte basis): access to care, community dining/meals, housekeeping, and home maintenance.

### Site Design

The PRD includes two driveway entrances via Agripark Drive with the main, 4-story building sited in the center with a pool, patio, BBQ grill area, and two pickleball courts located behind the main building. One-story, 2-unit cottages are at the north and south sides of the building adjacent to a detention pond at each end of the property. There will be five detached garages with 7-car capacity in each building, located along the east property line, and 163 surface parking spaces. Pedestrian walkways are located around the detention ponds and connect to the buildings and public sidewalk.

As depicted on the site plan, the main building faces Agripark Drive and the cottages front out to pedestrian walkways facing another cottage. Mail service will be provided within the main building mailroom and the cottage units will have an external mail collection box. The main building will be sited approximately 70 feet from Agripark Drive right-of-way, the cottage units will be approximately 45 feet from the ROW. The open space provided will be approximately 3.0 acres, exceeding the minimum required of 1.95 acres.



### Parking Proposed

Proposed parking is 198 spaces total, including 35 garaged and 163 surface spaces, plus the additional required 14 ADA accessible spaces. Chart 4 of the Murfreesboro Zoning Ordinance for required off-street parking spaces based on use requires multi-family parking spaces based on the number of bedrooms. The Chart 4 calculations for Arden based on the bedrooms would be a total of 256 spaces:

- 1-BR units (61 units) = 1.5 parking spaces per unit is 91 parking spaces
- 2-BR units (105 units) = 2.2 spaces per unit is 165 parking spaces

The applicant is requesting an exception in the Arden program book to allow 198 parking spaces, an exception for a 58 space deficit, due the 55+-age restriction.

### ***Building Design***

The PRD program book includes renderings and elevation drawings of each of the buildings.

Main Building will be 4-stories and with an overall height of 46.5 feet and 51 feet for the roof element located above the front entrance. The units include covered balconies and patio, with dormer windows along the front and rear elevations. The primary material proposed is cementitious siding and brick located at the building entrances and used for the base. Staff is requesting this be revised to increase the brick to include the entire first floor to create a stronger base and increase the amount of brick area. The colors are shades of light to dark grey for the siding, dark-red brick and dark-gray shingle roof.



The building elevations are depicted in the attached Arden PRD pattern book on pages 11 and 12 and building renderings are on pages 19, 21 and 26. The roof height exceeds the maximum of three stories and maximum height of 45 feet, and maximum stories of allowed in the zoning ordinance for multi-family zoning. No changes were made to the architecture since the January 18, 2023 Planning Commission meeting.

Cottage Buildings will be 1-story and 35 feet height or less. The unit fronts will face each other and will have covered front porch with column entrances, windows on all four sides, covered rear door entrances, and gabled roofs. The primary materials will be cementitious siding in a plank or board & batten pattern, and brick veneer water table around all four sides. The colors depicted are olive green, blue-gray, and light grey with dark gray asphalt shingle roof.



Garage Buildings and Pool House. The garages will be 14-feet height and contain 7 parking spaces (restricted for vehicle parking and not used for storage) for each of the 5 garage buildings. As noted above, these will be located along the eastern portion of the property, 5-feet from the rear property line. The building material will be cementitious siding, and metal doors with windows. The building will include a brick water table along the front elevation. The pool house building will be one-story, cementitious horizontal siding, materials, and color to match the main building.



## Utilities

The solid waste will be managed by the facility with an interior common disposal collection area, that will include a trash chute and compactor within a trash room on the first floor. The facility will provide a trash valet service that will transfer the trash from the trash room to the exterior trash containers/enclosure. A third-party solid waste collection service will collect the trash from the property site. The Murfreesboro Water Resources Department will provide both the water and sanitary sewer services for the site. As part of this development, the project applicant requested, and the City Council granted, a variance from the sewer allocation ordinance to allow for the 166 dwelling units.

## Exceptions Requested

The applicant is requesting two exceptions from the Zoning Ordinance standards for development of multi-family, as compared to RM-16 zoning, for the Arden PRD:

1. Building Height and Stories: The applicant is requesting an exception from the maximum height of 45 feet and 3 stories to allow 4-stories and height of 50 feet. The applicant states this is requested in order provide more room for amenities and open space. Per the Zoning Ordinance Appendix A Figure 1 (Building Height), this building would be 46.5 feet and range up to 51-feet for the hip roof portion above the main entrance. Staff is supportive of this exception request.

2. Parking: The applicant is requesting an exception for the parking to allow 198 parking spaces (plus 14 ADA), which is a reduction of 58 spaces from the Chart 4 standard for multi-family bedroom count requirement of 256 spaces. The applicant states this is requested due to the age of the residents, as there is less demand for vehicles and parking. The applicant submitted a technical memorandum describing the actual parking needs for this age-restricted development would be 102 parking spaces siting the standards provided in the Institute of Transportation Engineers (ITE) Parking Generation Manual, 5<sup>th</sup> Edition (attached to this staff report).

Staff conducted research regarding parking related to other senior apartment developments and prepared the following table for reference.

NAME	BEDROOMS	REQUIRED PARKING (2023 - ZO)	PROVIDED PARKING	NET	% LOWER
<b>The Crossing at Vict. Sta (Harmony)</b>	1 BR = 72 2 BR = 21	1.5 per = 108 2.2 per = 46 Total = 154	127	<b>-27</b>	21%
<b>Adams Place (2022)</b>	1 BR = 22 2 BR = 31	1.5 per = 33 2.2 per = 68 Total = 101	75	<b>- 26</b>	35%
<b>Autumn Plaza</b>	1 BR = 38 2 BR = 14	1.5 per = 57 2.2 per = 31	88	0.0	Not constructed
<b>Arden</b>	1 BR = 61 2 BR = 75	1.5 per = 91 2.2 per = 165 Total = 256	198	<b>-58</b>	29%

### **Adjacent Zoning and Land Uses**

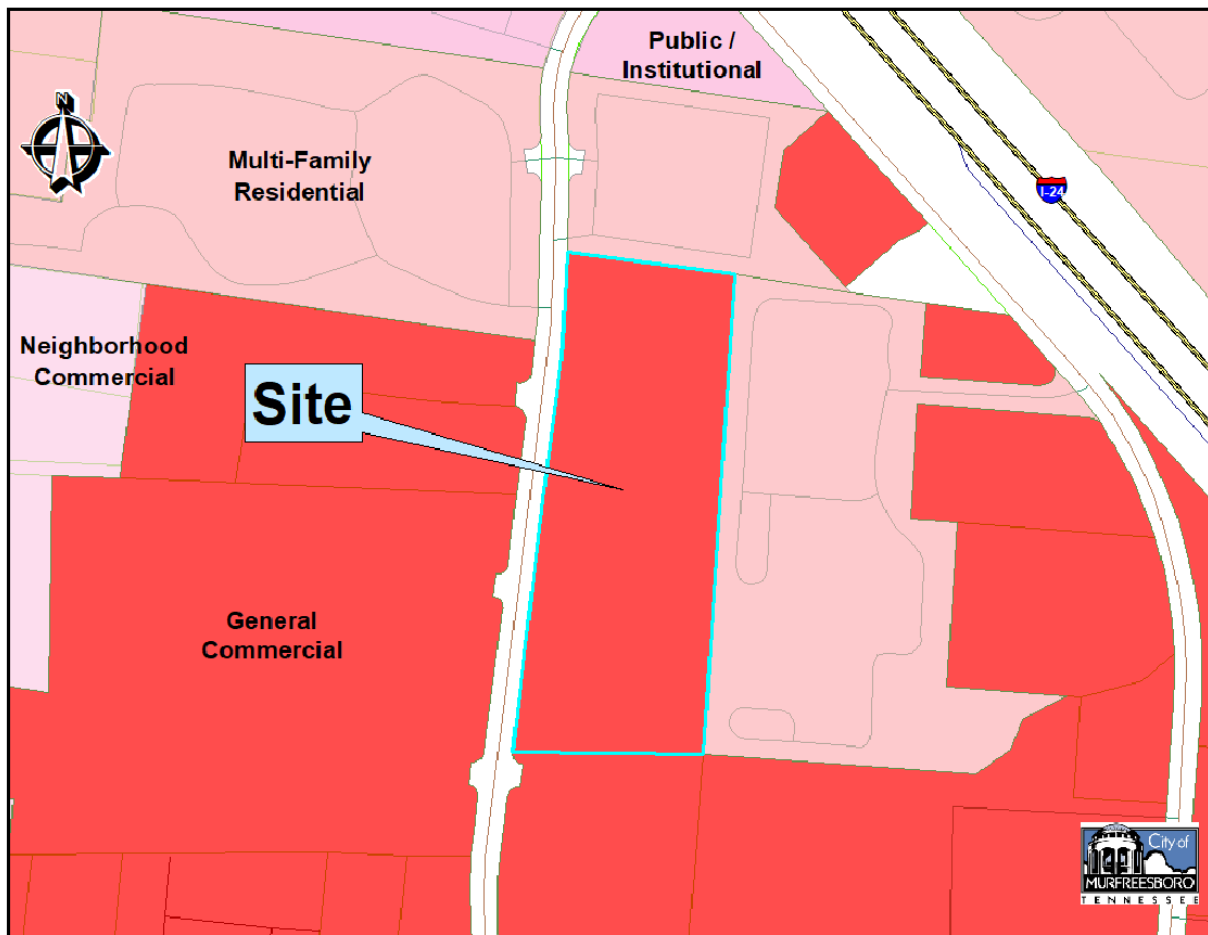
The surrounding area consists of a mixture of zoning types and uses. The properties to the north, northwest, and east are zoned RM-16. The properties to the west, south and southwest are zoned CH. The surrounding land uses are apartments to the north, northeast and east of the property, and to the west is a mulch facility and vacant land, and to the south is vacant land and southeast is Sam’s Club.



## Future Land Use Maps

The current Future Land Use Map of the Murfreesboro 2035 Comprehensive Plan indicates that Auto-Urban (General) Commercial is the most appropriate land use character for the project area. Auto-Urban (General) Commercial character is typically high intensity commercial businesses with a large amount of land area for operations, and is typically developed with strip commercial, commercial centers, auto-focused uses, restaurants, etc. and requires a significant amount of space. The requested rezoning to PRD for multi-family residential development is not consistent with the General Commercial land use designation.

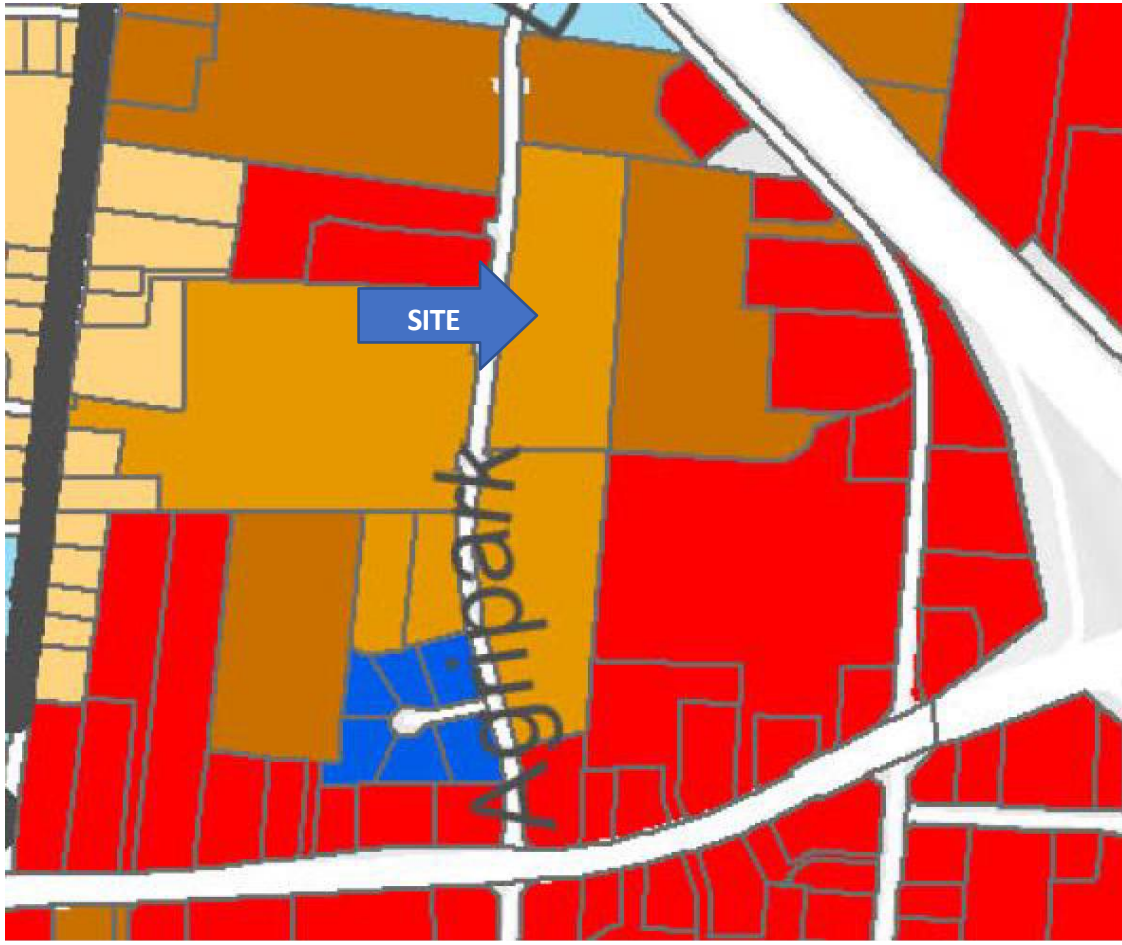
### Murfreesboro 2035 Comprehensive Plan Future Land Use Map (excerpt)



The Murfreesboro 2035 Comprehensive Plan Future Land Use Map and Chapter 4 text are in the process of being updated. The proposed update to the Future Land Use Map (FLUM) of the Murfreesboro 2035 Comprehensive Plan indicates that “Auto Urban Residential” (AUR) is the most appropriate land use character for the project area. The characteristics of this land use designation include attached residential development,

strong amenity packages with active recreational areas, connectivity within the development, and densities to be evaluated based on infrastructure and utility capacities. In this case, the proposed PRD zoning is consistent with the Auto Urban Residential designation.

**Proposed Update to the Murfreesboro 2035 Comprehensive Plan Future Land Use Map (excerpt)**



**Recommendation:**

Staff supports the zoning request to PRD for the following reasons:

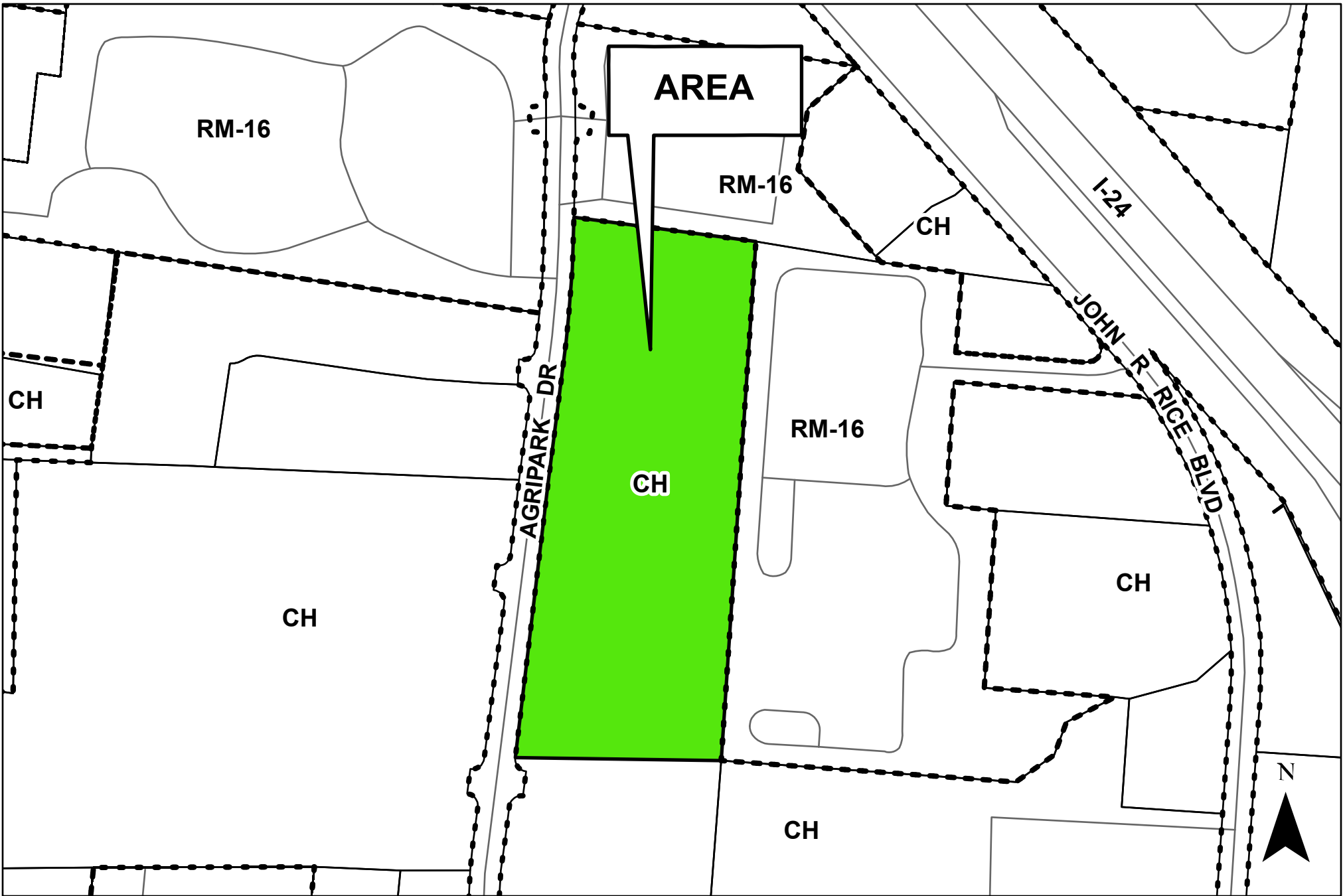
- 1) The PRD zoning, as proposed, is compatible with the existing multi-family residential uses located adjacent to the subject property to the north, northwest, and east.
- 2) The proposed development would be restricted for ages 55+, would fulfill a need in the community for this type of development, and would provide numerous

quality amenities for the residents.

- 3) The PRD is consistent with the proposed Future Land Use Map for the Auto Urban Residential (AUR) land use designation.

**Action needed**

The Planning Commission will need to conduct a public hearing and then discuss the matter, after which it will need to formulate a recommendation for the City Council. The applicant and their representative will be available at the Planning Commission meeting to discuss the proposed rezoning request.



Rezoning request for property along Agripark Drive  
 CH to PRD (Arden at Murfreesboro PRD)



Planning Department  
 City of Murfreesboro  
 111 West Vine St  
 Murfreesboro, TN 37130  
[www.murfreesborotn.gov](http://www.murfreesborotn.gov)



Rezoning request for property along Agripark Drive  
 CH to PRD (Arden at Murfreesboro PRD)

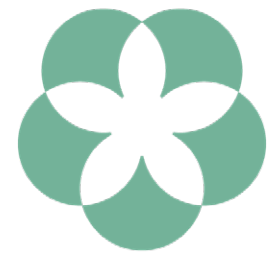


Planning Department  
 City of Murfreesboro  
 111 West Vine St  
 Murfreesboro, TN 37130  
[www.murfreesborotn.gov](http://www.murfreesborotn.gov)

# ARDEN AT MURFREESBORO

A REQUEST FOR REZONING FROM COMMERCIAL HIGHWAY TO PLANNED RESIDENTIAL DISTRICT

Murfreesboro, Tennessee  
www.onearden.com



**ARDEN**  
SENIOR LIVING

**SEC, Inc.**

SEC Project #22222

**Initial Submittal**  
November 9th, 2022

**Resubmitted**  
January 13, 2023 for the January 18, 2023  
Planning Commission Workshop Meeting

**Resubmitted**  
January 26, 2023 for February 1, 2023  
Planning Commission Public Hearing

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Company Name: SEC, Inc.  
 Profession: Planning.Engineering.Landscape Architecture  
 Attn: Rob Molchan / Matt Taylor  
 Phone: (615) 890-7901  
 Email: rmolchan@sec-civil.com/ mtaylor@sec-civil.com  
 Web: www.sec-civil.com

850 Middle Tennessee Blvd.  
 Murfreesboro, Tennessee 37129



Company Name: FC Murfreesboro, LLC  
 Profession: Developer  
 Attn: C/O Kevin Woodley  
 Email: kwoodley@onearden.com  
 Web: onearden.com

7315 Wisconsin Ave, Suite 925  
 Bethesda MD



Company Name: Arden  
 Profession: Developer  
 Phone: (704)-378-8853  
 Email: info@onearden.com  
 Web: https://www.onearden.com/

7315 Wisconsin Ave Suite 925W  
 Bethesda, MD 20814



Company Name: Roland Architecture  
 Profession: Architect  
 Email: john@rolandarchitecture.com  
 Web: https://www.rolandarchitecture.com

Charlotte NC

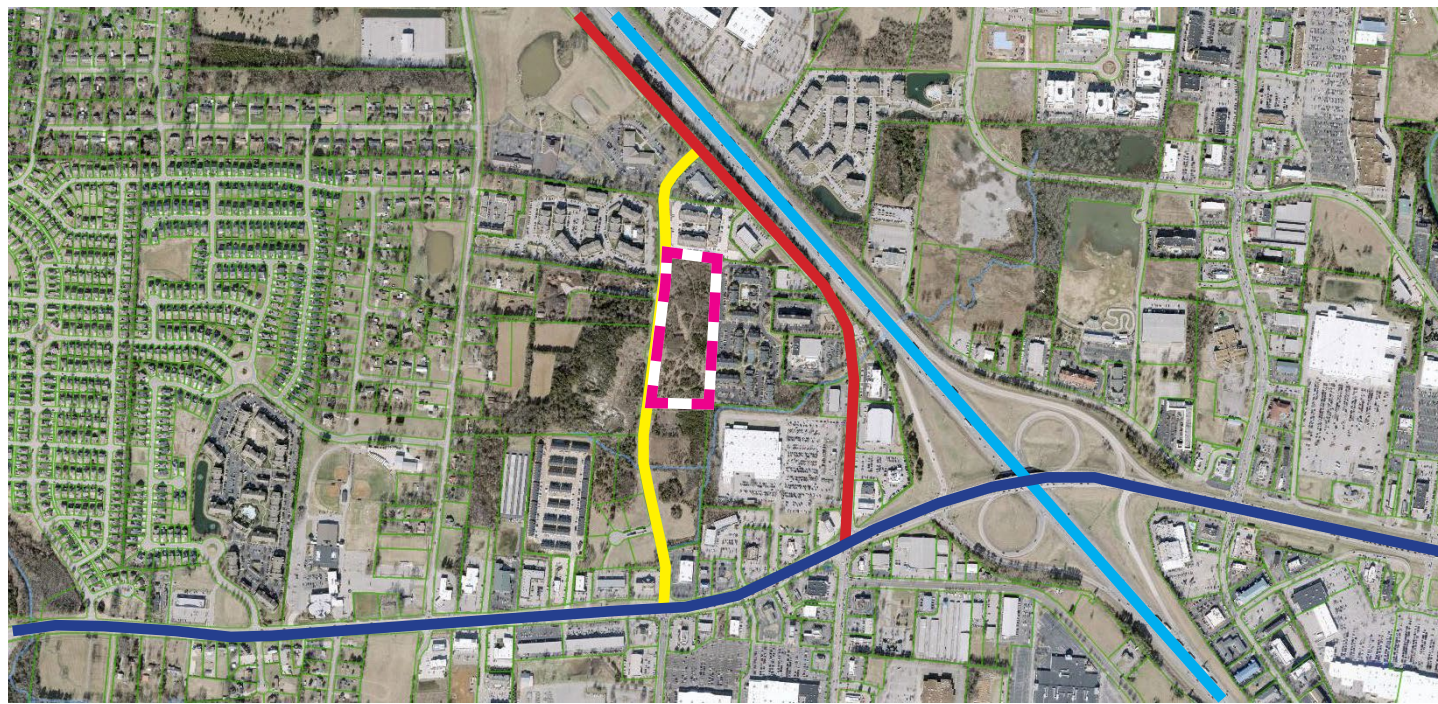


Company Name: Studio 4D  
 Profession: Graphic Designer  
 Attn: Diego Sosa  
 Email: diegososa@studio4d.com  
 Web: https://studio4d.com

5425 Wisconsin Ave  
 Suite 600  
 Chevy Chase, MD 20815

TABLE OF CONTENTS ..... 02  
 PROJECT SYNOPSIS & ZONING MAP ..... 03  
 SUBDIVISION MAP & MAJOR THOROUGHFARE PLAN ..... 04  
 UTILITY MAP & HYDROLOGY AND TOPOGRAPHY ..... 05  
 ON-SITE & OFF-SITE PHOTOGRAPHY ..... 06-07  
 CONCEPTUAL SITE AND LANDSCAPE PLAN ..... 08  
 DEVELOPMENT STANDARDS..... 09  
 ARCHITECTURAL CHARACTERISTICS..... 10-17  
 DEVELOPMENT CHARACTER PERSPECTIVES ..... 18-21  
 AMENITIES ..... 22-26  
 INGRESS AND EGRESS ..... 27  
 LANDSCAPE CHARACTERISTICS..... 28-29  
 SUMMARY AND EXCEPTIONS ..... 30-31

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AERIAL PHOTOGRAPH

Not To Scale

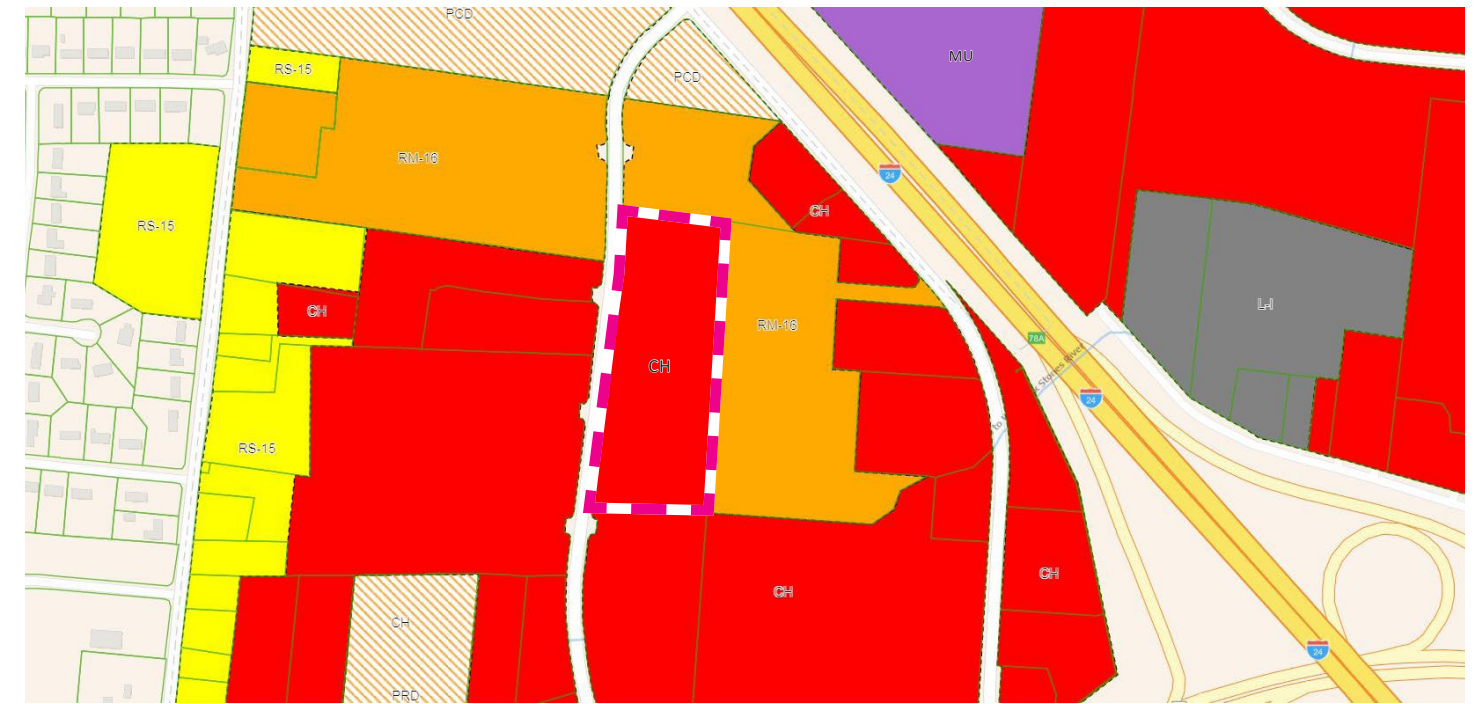
- Interstate 24
- Old Fort Parkway
- Agripark Drive
- John R. Rice Boulevard

Site Boundary

FC Murfreesboro respectfully requests rezoning of the Harpers Point Property from Commercial Highway (CH) to Planned Residential District (PRD) to create Arden at Murfreesboro. The property is located east of Agripark Drive and north of Old Fort Parkway. The site is identified as Parcel 33.01 of Tax Map 92, and is approximately 9.75 acres.

Arden at Murfreesboro proposes a mixture of active adult living units and cottages. A total of 166 units are proposed for the 9.75 AC site, for an approximate density of 17.03 units/acre. As part of this development, the project requested and was granted an additional 142 SFUE through a Sewer Allocation Variance to allow for a total of 166 dwelling units. 136 of these units are proposed as "Active Adult" living units, with the remaining 30 being Cottage homes. All units will be age restricted to provide a new 55+ community. The 55+ Active Adult living units shall consist of one or two bedroom living spaces ranging in size from 670 to 1,400 square feet in size. The cottage homes shall consist of two bedrooms and include features such as an open floor plan and porches. Cottages shall be approximately 1,200 square feet in size. The current senior housing market is characterized by government subsidized affordable senior housing on one end, and luxury all-inclusive senior housing on the other; leaving a large demographic of seniors unserved. This group is referred to as the missing middle seniors who earn too much in retirement to qualify for medicare but not enough to afford all-inclusive congregate care facilities; often retired teachers, police officers, and nurses.

Arden seeks to serve missing middle seniors as an active adult, age restricted community with congregate-care style living, controlled access, interior corridors and elevators, walking paths, fitness centers, and natural areas. Arden will offer residents the opportunity to live independently in a community designed specifically for active seniors with amenities such as a community dining room, craft/business center, library, and pool. To ensure affordability to middle market senior residents, Arden will provide some services, including access to care and personal services such as dining, housekeeping, home and grounds maintenance, and security, on an a la carte basis through third party partnerships. This model allows residents to control costs by tailoring their level of services to their specific needs. Residents will also have convenient access to grocery stores and shopping in the surrounding area.



ZONING MAP

Not To Scale

- RS-15 Residential Single-Family (RS-15)
- RM-16 Residential Multi-Family (RM-16)
- CH Commercial Highway (CH)
- MU Mixed Use (MU)
- RM Medium Density Residential (RM) Rutherford County
- PRD Planned Residential District (PRD)
- LI Light Industrial (LI)

Site Boundary

The surrounding area consists of a mixture of zoning types and uses. The land to the north and east is zoned RM-16. The land to the south and to the west across Agripark Drive is zoned CH.



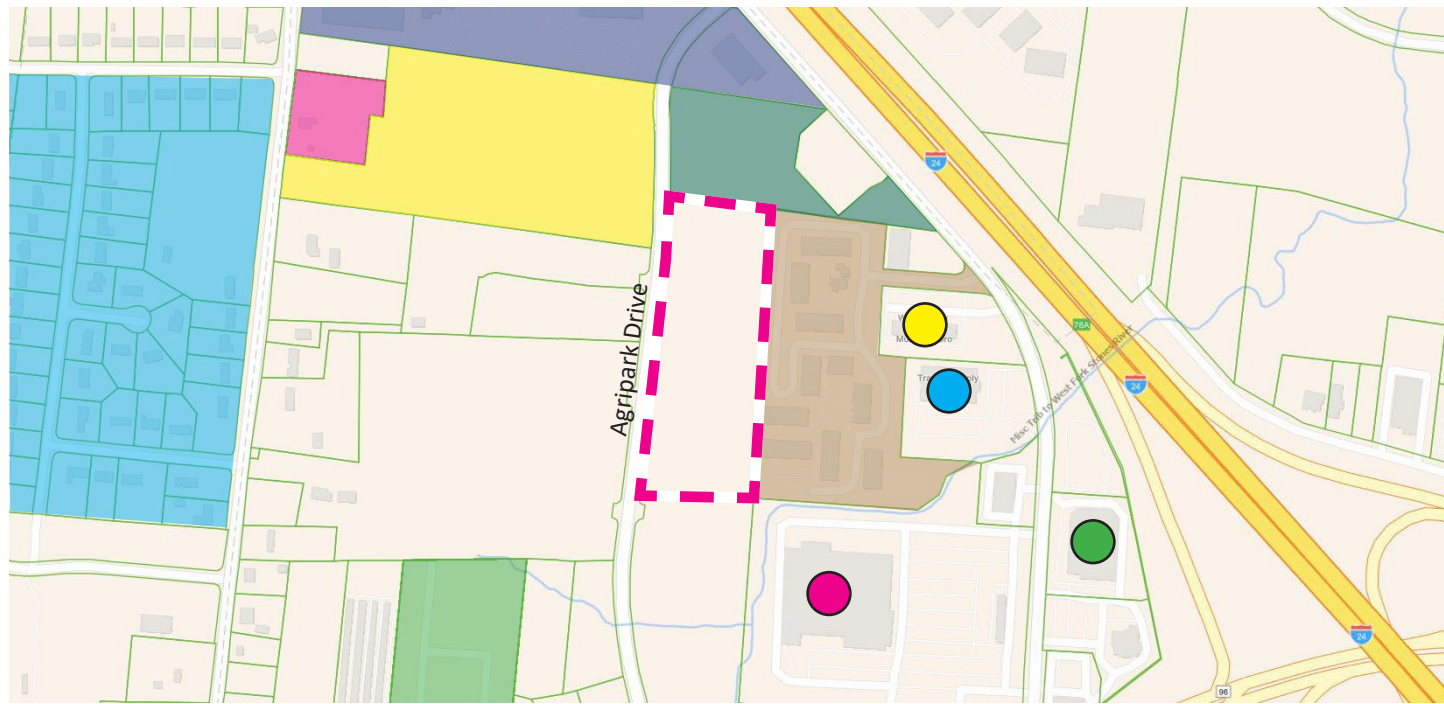
**2035 LAND USE PLAN**

The Murfreesboro Future Land Use Plan Amendment proposes this area as Multi-Family Residential (RM). The character of this land use includes high density residential with on-site amenities and open space. Density for this character type maxes out at 16 units per acre. Generally compatible zoning districts include RM-12, RM-16, PRD, and PUD.

The proposed development aligns closely with the Murfreesboro Future Land Use Plan in terms of provided amenities, dwelling types, and proposed zoning. Although unit per acre exceeds future land use, the table below summarized how a senior use has 62% less residents per acre than multifamily, despite 17.03 units per acre.

	Murfreesboro RM Land Use	Proposed Independent 55+ Living
Units Per Acre	16	17
<u>Avg Resident(s) Per Unit</u>	<u>1.9</u>	<u>1.1</u>
Residents Per Acre	30.4	18.7
% Difference		62%





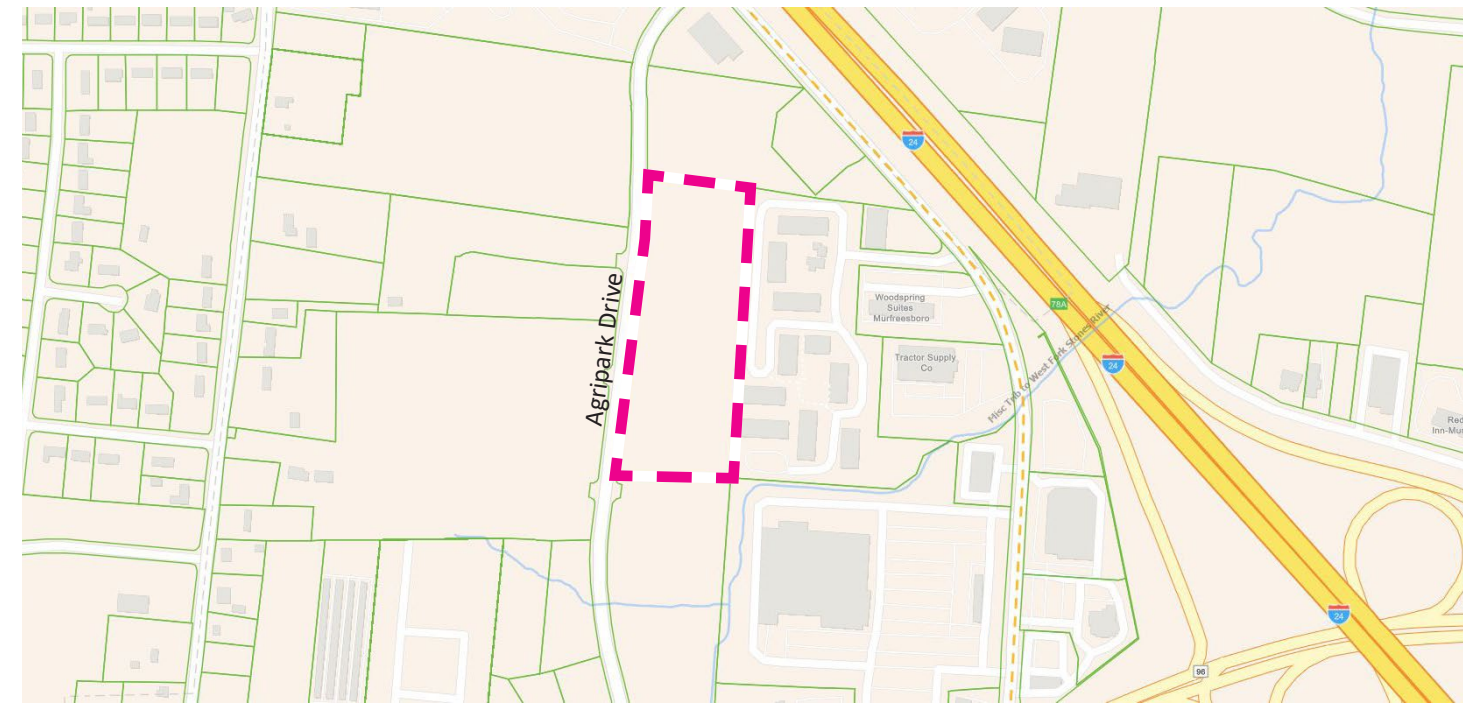
SUBDIVISION MAP

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- |  |  |  |  |
|--|--|--|--|
|  Glenndale              |  Lane Agripark                  |  Sam's Club               | <br>Site Boundary |
|  Gresham Lane Townhomes |  Rutherford Park Apartments     |  Woodspring Suites        |  |
|  Vintage Blackman      |  The Reserve at Harper's Point |  Red Carpet Self-Storage |  |
|  Village at Old Fort  |  Tractor Supply Co            |  |  |

Arden at Murfreesboro is surrounded by a mixture of residential, undeveloped lots, and commercial properties.

- The Reserve at Harper's Point is a residential apartment development to the east consisting of three-story buildings with one to three bedroom floor-plans. The exterior elevations consist of primarily brick on the first floor with hardie board siding on the second and third floors. There is one primary point of ingress/egress to the development from John R. Rice Boulevard.
- Rutherford Park Apartments is a residential apartment development to the north consisting of three-story single-family attached apartments. The exterior elevations consist of primarily brick on the first floor, hardie board siding on the second and third floors, and board and batten on the 4th floor. There are two primary points of ingress/egress to the development from Agripark Drive.
- Vintage Blackman Apartments is located to the northwest on the other side of Agripark Drive. It consists of three-story buildings with single-family apartments. The exterior elevations consist of primarily stone on the first floor with hardie board and batten siding on the second and third floors. There are two primary points of ingress/egress to the development from Agripark Drive, and one gated emergency only access point of ingress/egress to the development from Gresham Lane.
- South of this development is Old Fort Parkway (HWY 96), a major commercial arterial corridor with various hotels, restaurants, shopping centers, and services are located along this roadway.

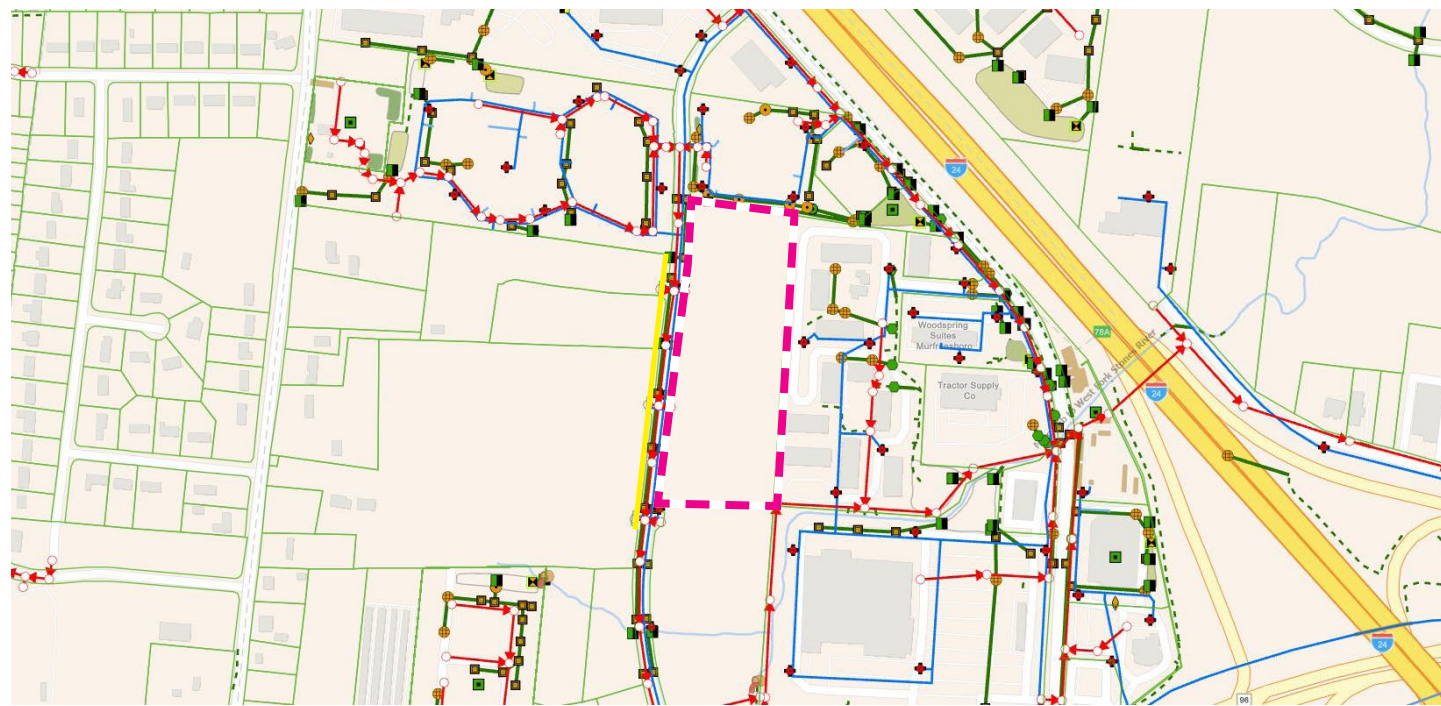


2040 MAJOR THOROUGHFARE PLAN

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- |  |  |
|--|--|
|  3 LANE ROADWAY | <br>Site Boundary |
|  |  |

The property has/will have access to the existing public rights-of-way of Agripark Drive through two proposed entrances. Agripark Drive is on the City of Murfreesboro's Major Thoroughfare Plan and is up to date as a 2-Lane roadway with a center turn-lane and curb & gutter.



UTILITY MAP

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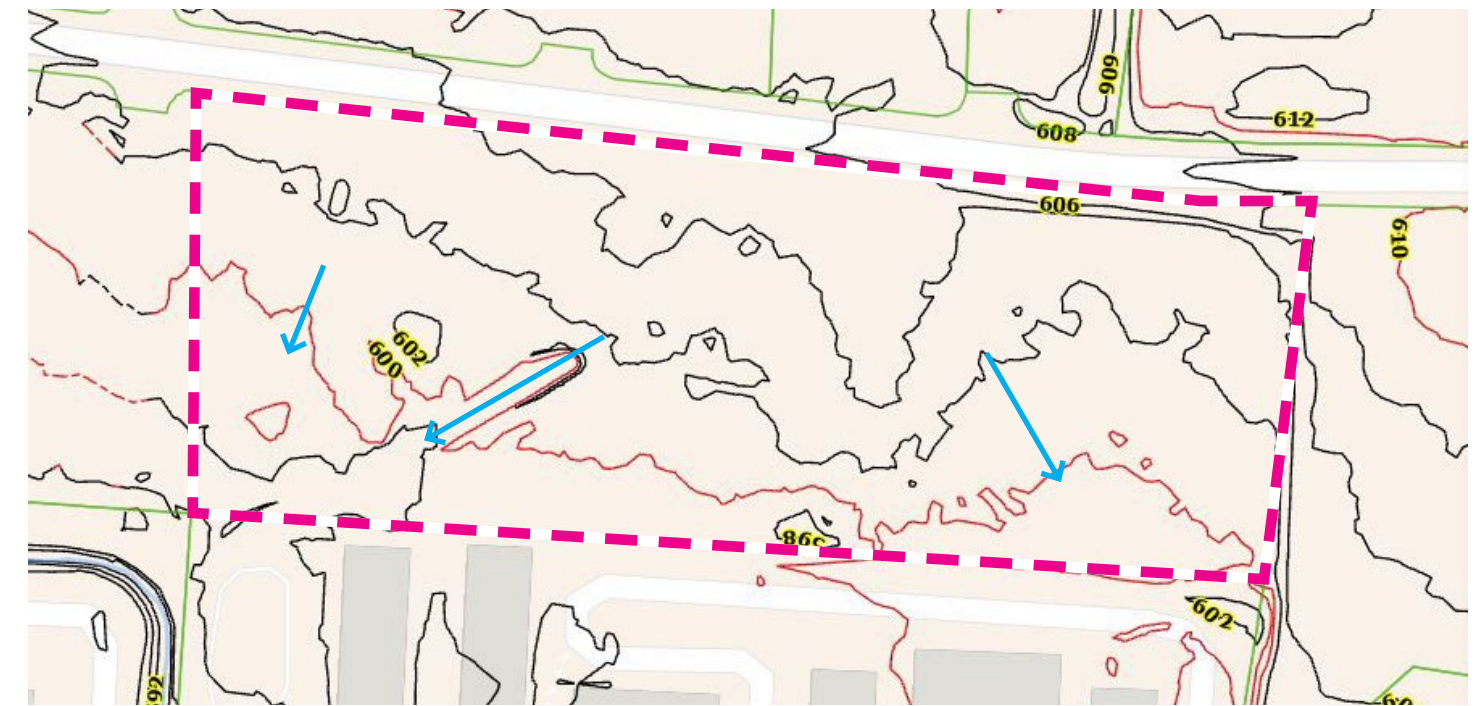


Water service will be provided by the Murfreesboro Water Resources Department. An existing 12 inch ductile iron water line within the R.O.W. of Agripark Drive shall provide service into the site. The developer will be responsible for extending the waterline into the site for domestic and fire water service.

Sanitary sewer service will be provided by the Murfreesboro Water Resources Department. An existing 8" PVC sewer line within the R.O.W. of Agripark Drive shall provide service into the site. The developer will be responsible for extending the sanitary sewer into the property.



Electrical services will be provided by Middle Tennessee Electric. Service will be extended from the east side of Agripark Drive. The developer will be responsible for extending electrical service into the site, and all on-site electric will be underground.



HYDROLOGY AND TOPOGRAPHY

Not To Scale



The topographic map above shows the site's topographic high point generally at the western perimeter of the property. From this point, the property drains towards the northeast and southeast. Stormwater draining from the site heads southeast towards a miscellaneous tributary before ultimately ending up in the West Fork of the Stones River. No portions of this property are within a floodway or floodplain per FEMA Flood Panel 47149C0255H eff. 01/04/2007.

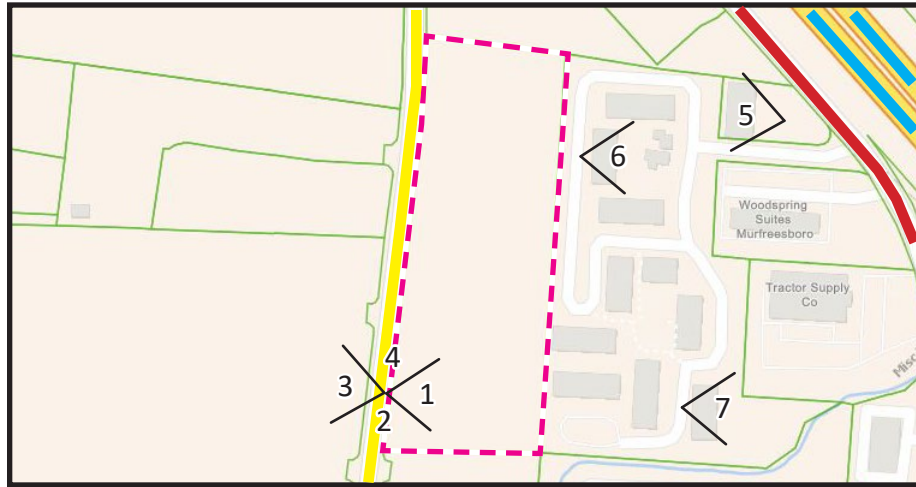


PHOTO DIRECTION MAP

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- Interstate 24
- Agripark Drive
- John R. Rice Boulevard



Site



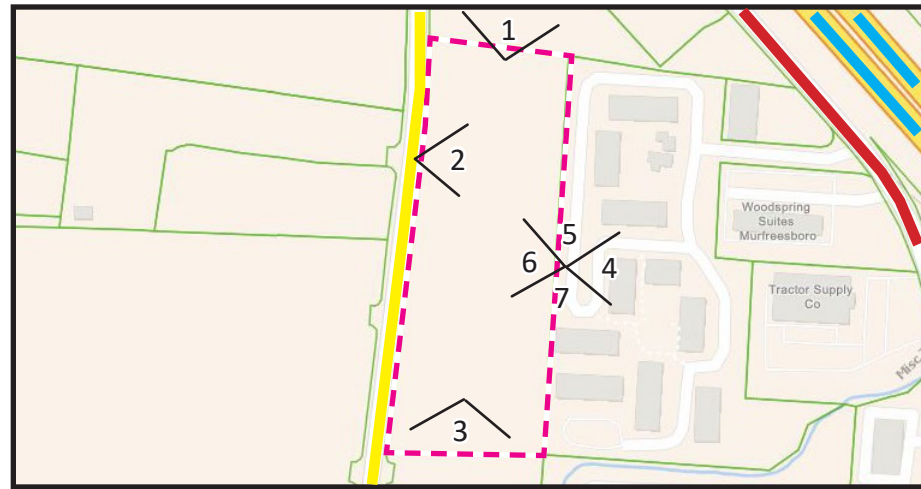


PHOTO DIRECTION MAP

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- Interstate 24
- Agripark Drive
- John R. Rice Boulevard



Site



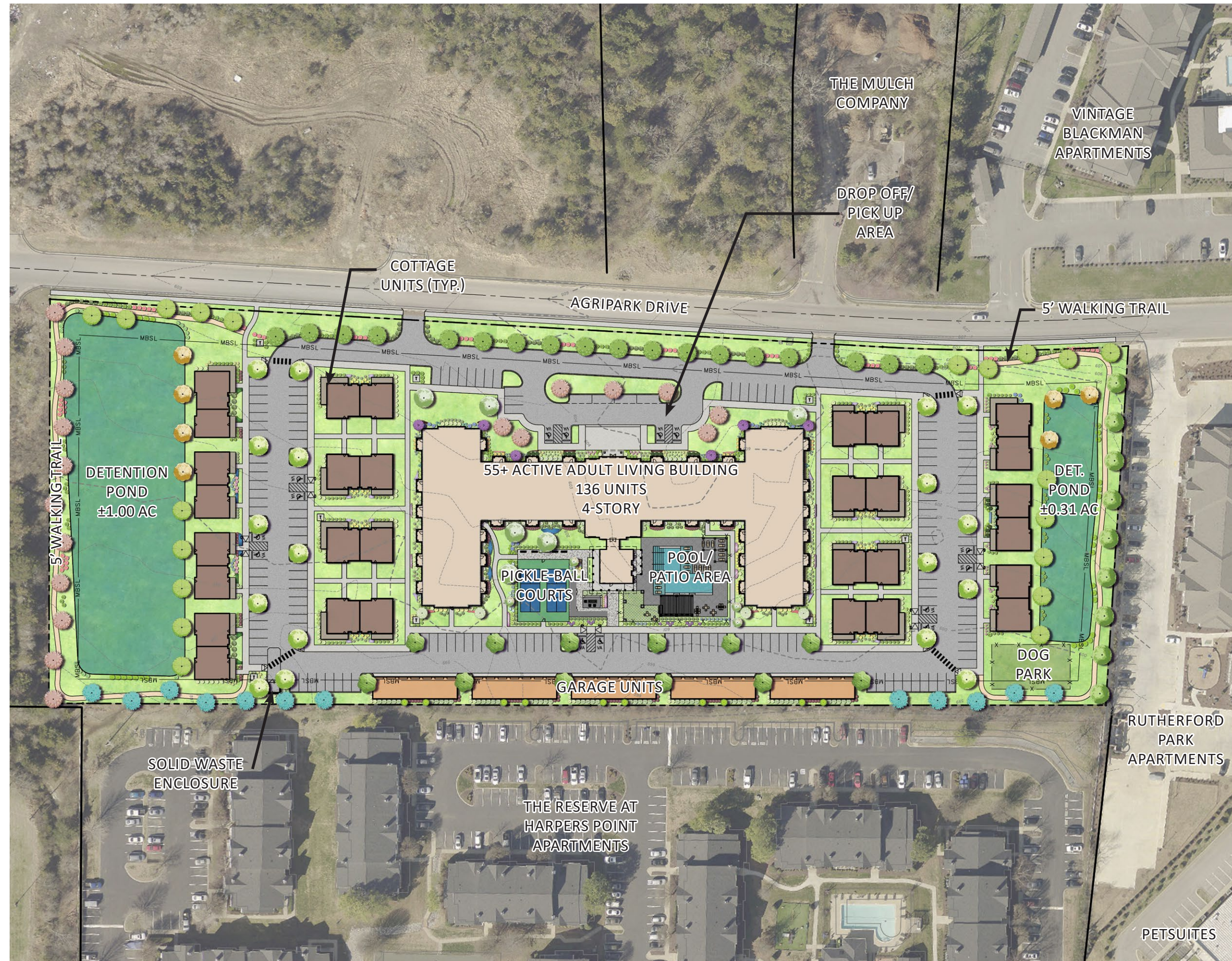
**Land Use Data:**

Total Land Area:	±9.75 Acres
Main Building Units:	136 Units
Cottage Units:	30 Units
Total Number of Units:	166 Units
Density: 166 Units/9.75 Acres =	±17.03 Units/Acre
Min. Required Open Space:	±1.95 Acres (20%)
Provided Open Space:	±3.00 Acres (31%)
Required Formal Open Space:	±0.49 Acres (5%)
Provided Formal Open Space:	±0.49 Acres (5%)
Stormwater (Detention):	±1.31 Acres (13%)

**Provided Parking:**

Surface Parking Spaces Provided	= 163 Spaces
Garage Spaces Provided	= 35 Spaces
Accessible Parking Provided	= 14 Spaces
Total Parking Provided	= 212 Spaces

-  Main Building
-  Cottage Units
-  Open Space
-  Detention Pond
-  Roadway
-  Sidewalk
-  Walking Trail



**SEC, Inc.**

SEC Project #22222 Murfreesboro, Tennessee





EXAMPLE OF ENTRANCE SIGNAGE



EXAMPLE OF SOLID WASTE ENCLOSURE



EXAMPLE OF STREET LIGHT



EXAMPLE OF DECORATIVE LIGHTING



EXAMPLE OF POSSIBLE MAIL ROOM

### Development Standards:

- 55+ Community consisting of 166 units.
- 55+ Community shall be enforced through deed restriction.
- 136 one-to-two bedroom Active Adult units within the Active Adult Building.
- 30 two-bedroom Cottage units.
- The Active Adult units will range from 670 square feet of living area to 1,400 square feet.
- Cottage units will be an average of 1,200 feet of living area.
- Each unit will be for rent.
- All stories of the Active Adult Living Building shall have access to **two elevators**.
- The Active Adult Living Building shall be accented with a minimum 3-ft wide foundation plantings along , except within five feet of egress and ingress into the building.
- Cottage units shall provide landscaping along the front elevation and elevations which faces a proposed parking lot or drive aisle.
- Landscaping and sod shall be installed along building foundations.
- Entrances off of Agripark Drive will have new entrance signage constructed on masonry materials and anchored by landscaping.
- All mechanical equipment (i.e. HVAC and transformers) to be screened.
- Air conditioning units for the main building are placed on the roof in mechanical well, out of view and not on the ground for a more aesthetically pleasing ground level view.
- All on-site utilities will be underground.
- Solid waste for residence shall be handled via a Valet Trash Service.
- Main building includes trash chute internal to the building. Trash compactor located in trash room internal to the building as well.
- Any solid waste enclosures will be constructed of masonry materials consistent with building architecture and be at least 8 feet tall with opaque gates and enhanced with landscaping.
- Prior to construction plan review, a complete and thorough design of the stormwater management system and facilities will be completed.
- Garages shall be for vehicular storage only and remain closed when not in use.
- Sidewalks will be included along parking areas and walking trails will be provided throughout the development to create a walkable community.
- Mail service shall be accessible within the Active Adult Living Building mail room.
- There are currently street lights along Agripark Drive. If additional street lights are required along the street frontage of the development, those additional street lights shall be coordinated with MTE, and will meet MTE's standards for management by MTE.
- On site lighting shall comply with the City of Murfreesboro standards to prevent light pollution.
- Lights within and around amenity areas shall be pedestrian scale and decorative.
- Cottage units may have fenced back-yards.
- Internal storage units are available to rent for residents.

**Main Building Architectural Characteristics:**

- Building height shall not exceed 50-feet in height
- Buildings shall be 4-stories maximum
- Building shall have articulation of planes to create varied facades along exteriors of all buildings
- Building exteriors shall consist of a mixture of materials and shall be varied to accentuate different elements along the building exterior
- All building and development signage shall be designed to the City of Murfreesboro standards and guidelines.
- All floors shall be accessible via elevator.

**Building Materials:**

Front Elevations: Brick and Cement Board Siding  
 Side Elevations: Brick and Cement Board Siding  
 Rear Elevations: Brick and Cement Board Siding  
 All Elevations: Vinyl Only Permitted in Trim & Soffit Areas

\*Only first floor shall have masonry products

**Setbacks External to the Site**

Front: 35-feet  
 Side: 30-feet  
 Rear: 25-feet  
 \*Garage units can be a minimum of 5-feet from rear property line

**Setbacks Internal to the Site**

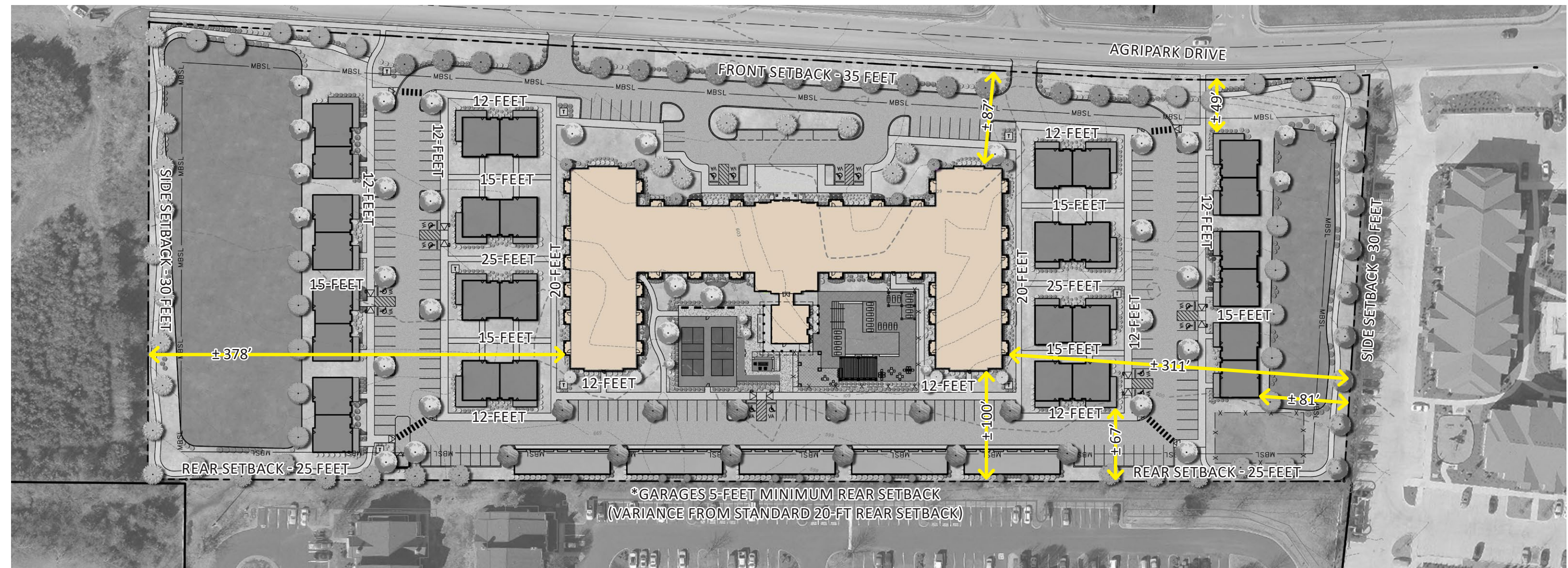
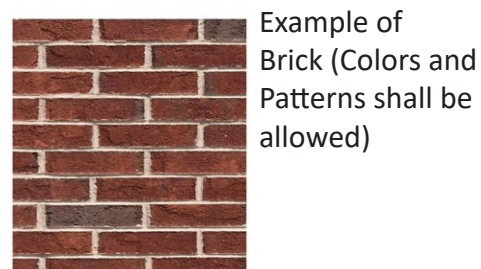
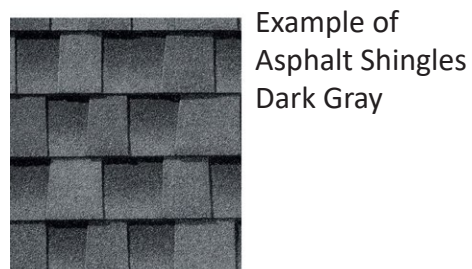
All: Buildings shall be at least 12-feet from back of curbs, except covered front entrance of main building.

**Cottage Units:**

Facing Rears	15-feet of separation
Facing Fronts	25-feet of separation
Facing Sides	15-feet of separation

**Active Adult Living Building:**

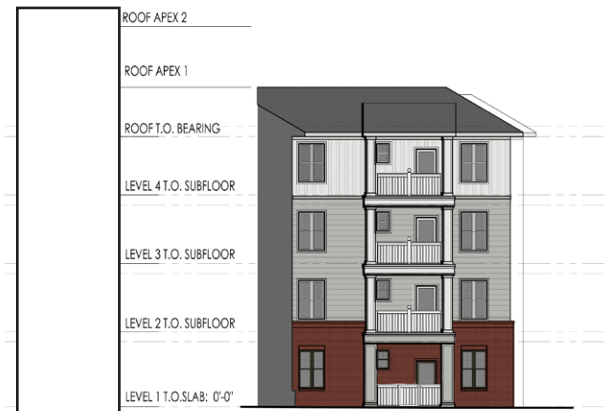
All Sides	20-feet of separation from Cottage Units
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\*Architecture shown is conceptual and meant to convey the overall appearance of the development. Finalized architecture shall be provided at the site plan level.



4 FRONT ELEVATION (FRONT LEG - LEFT SIDE)



3 FRONT ELEVATION (FRONT LEG - RIGHT SIDE)



1 ENLARGED ELEVATION 1



2 RIGHT ELEVATION



1 FRONT ELEVATION

**Maximum Building Height:**

The elevation diagram above shows measurements for building heights for the Independent Living Building. These dimensions are based on 2023 Murfreesboro Zoning Ordinance related to building height measurement standards outline on Page A314. The maximum building height measured per these standards would range from 46-ft 6-inches to 50-ft 11-inches as shown on the elevation diagram above. This development is requesting a 5-ft variance, on Page 31, to allow for a maximum building height 50-ft 0-inches from the 45-ft maximum building height allowed in comparison to RM-16 zoning. The additional 3-ft 6-inches is to allow for design flexibility between in the height of the building between the PRD process and the site plan approval process.

\*Architecture shown is conceptual and meant to convey the overall appearance of the development. Finalized architecture shall be provided at the site plan level.





4 REAR ELEVATION (REAR LEG - LEFT SIDE)



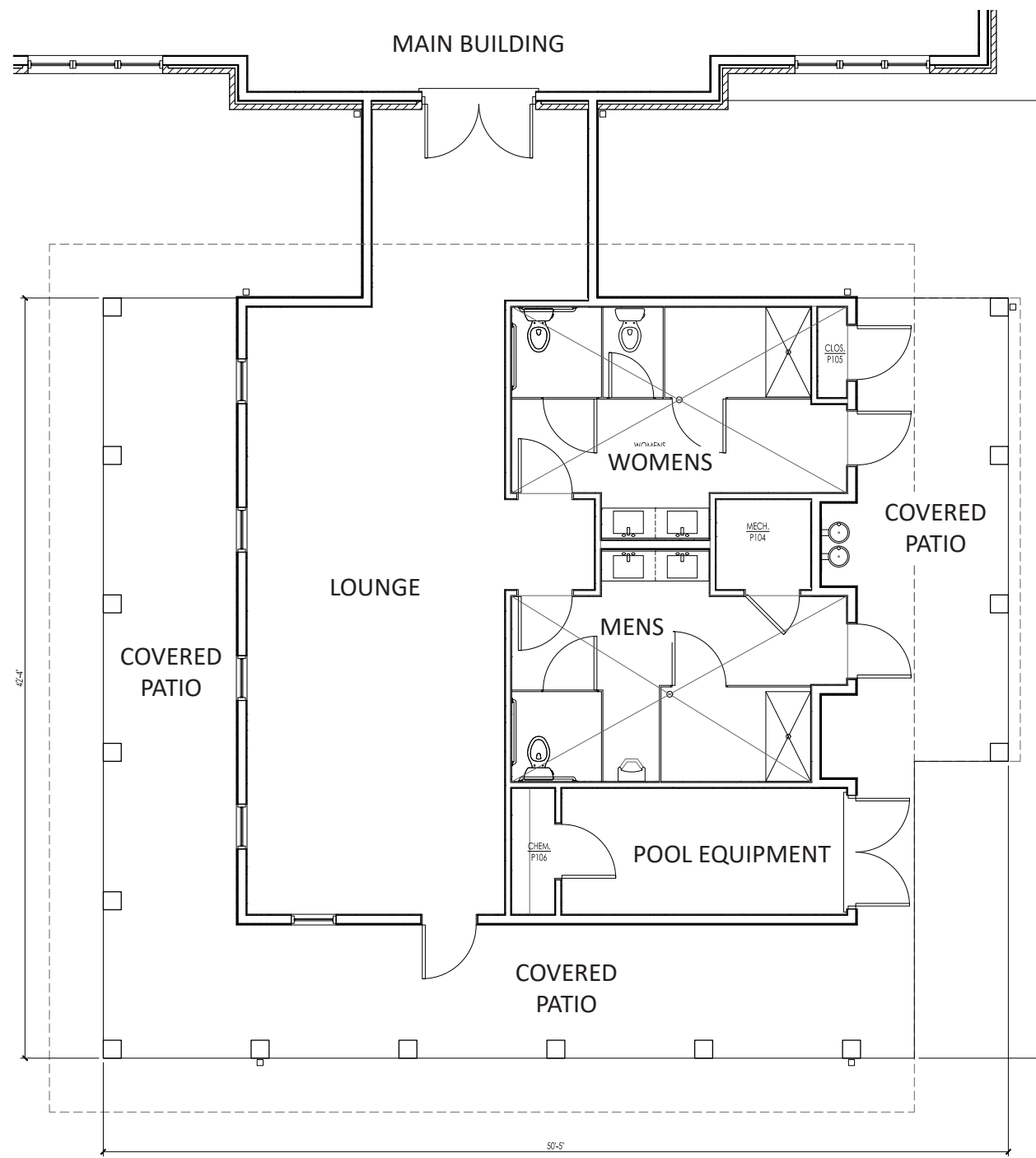
3 REAR ELEVATION (REAR LEG - RIGHT SIDE)



2 LEFT ELEVATION



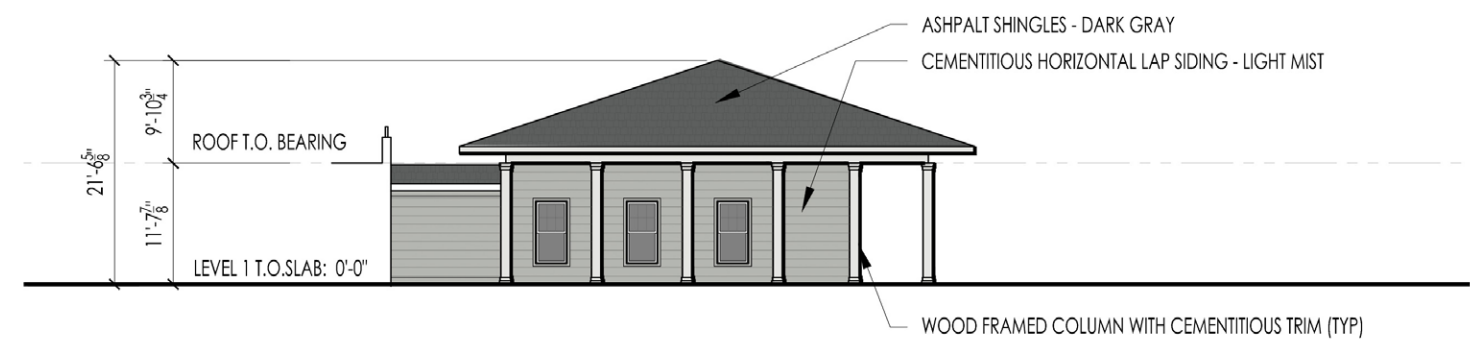
1 REAR ELEVATION



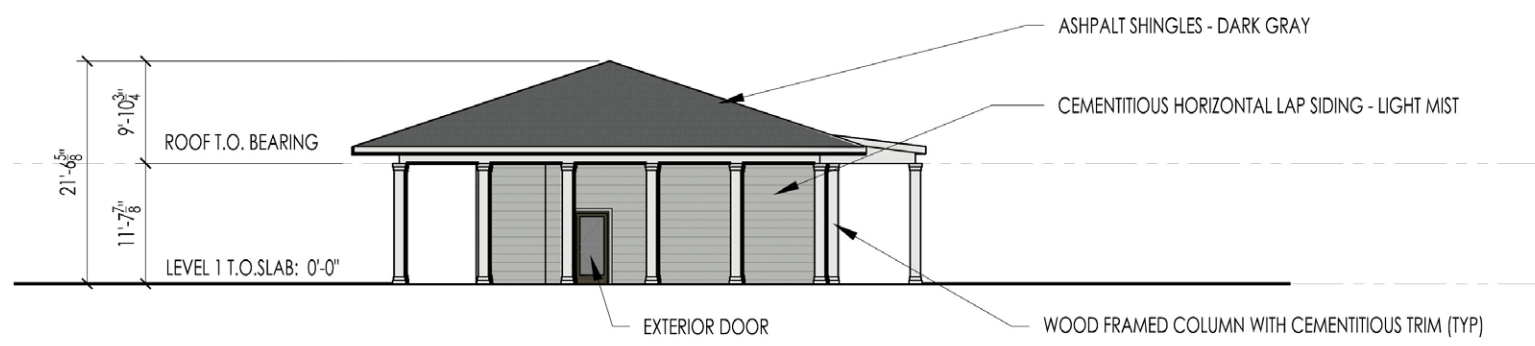
Pool-house Floor Plan



Pool-house Elevation - Pool Side



Pool-house Elevation - Court Side



Pool-house Elevation - Rear

\*Architecture shown is conceptual and meant to convey the overall appearance of the development. Finalized architecture shall be provided at the site plan level.

**Cottage Architectural Characteristics:**

- Building height shall not exceed 35 feet in height.
- Buildings will be 1-story.
- Building shall have articulation of planes to create varied facades along exteriors of all buildings.
- Building exteriors shall consist of a mixture of materials and shall be varied to accentuate different elements along the building exterior.
- All building and development signage shall be designed to the City of Murfreesboro standards and guidelines.
- Cottages shall have the option to include fences at the rear of units to create a more private space for tenants
- Cottage fences shall be uniform in height, appearance, and material. Height shall not exceed 6', and fences shall be constructed of vinyl, power coated aluminum, cedar, or composite material.

**Building Materials:**

Front Elevations: Brick and Cement Board Siding  
 Side Elevations: Brick and Cement Board Siding  
 Rear Elevations: Brick and Cement Board Siding  
 All Elevations: Vinyl Only Permitted in Trim & Soffit Areas

**Setbacks Internal to the Site**

All: Buildings shall be at least 12-feet from back of curbs, except covered front entrance of main building.

**Cottage Units:**

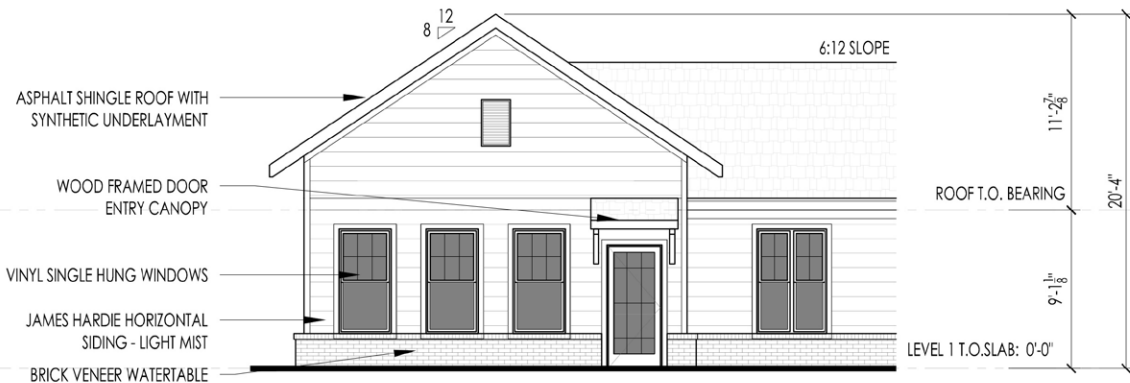
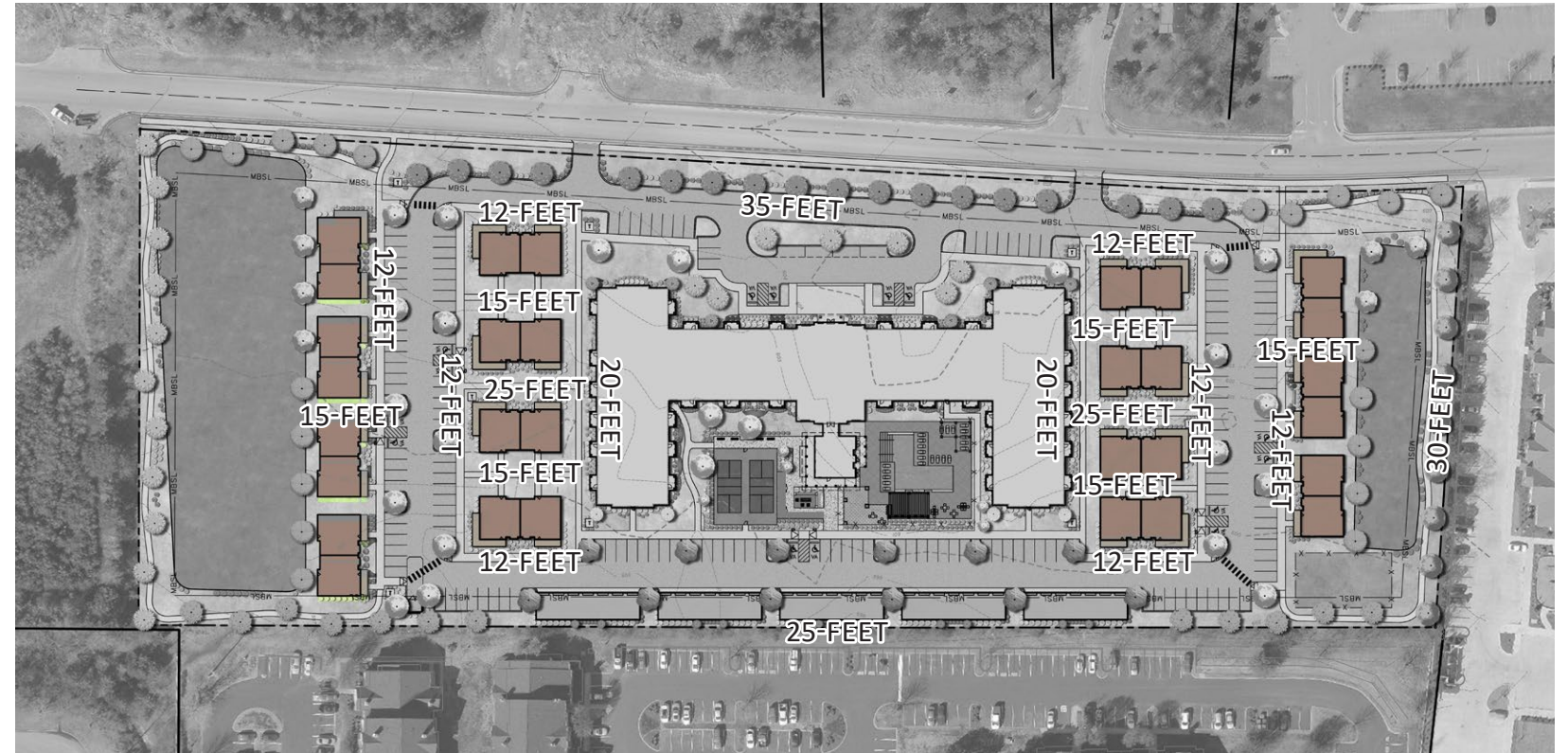
Facing Rears 15-feet of separation  
 Facing Fronts 25-feet of separation  
 Facing Sides 15-feet of separation

**Active Adult Living Building:**

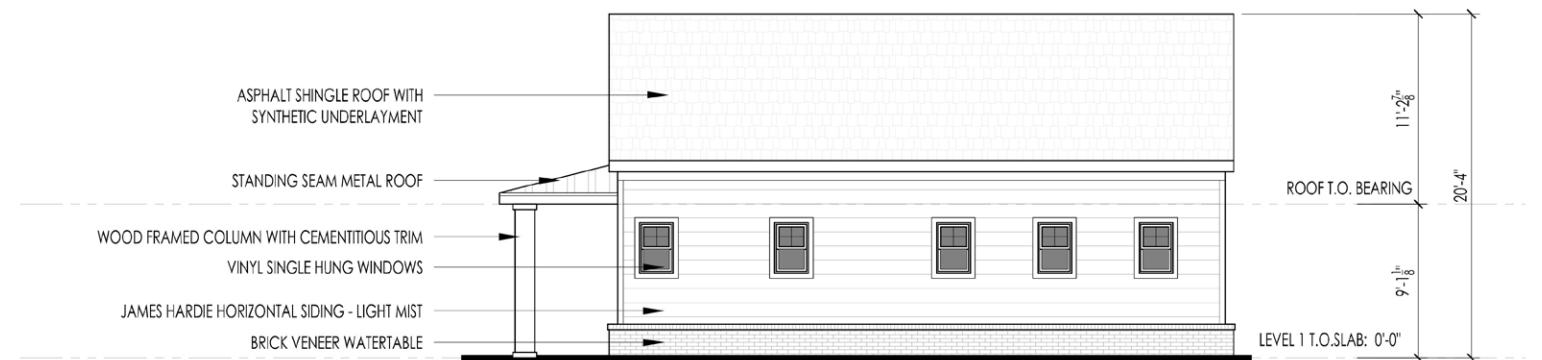
All Sides 20-feet of separation

**Setbacks External to the Site**

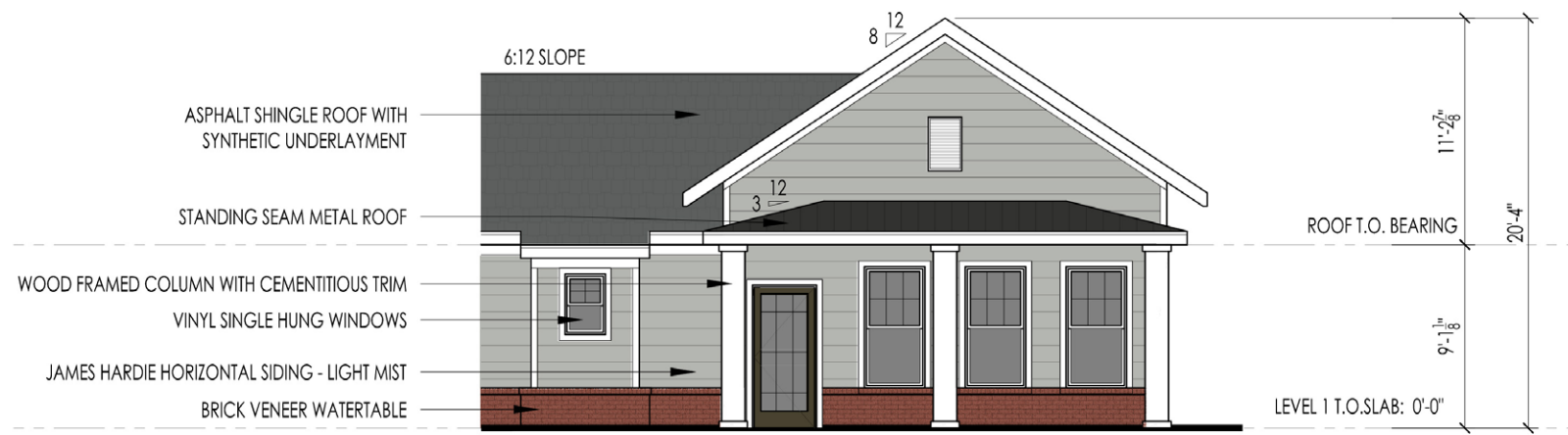
Front: 35-feet  
 Side: 30-feet  
 Rear: 25-feet  
 \*Garage units can be a minimum of 5-feet from rear property line



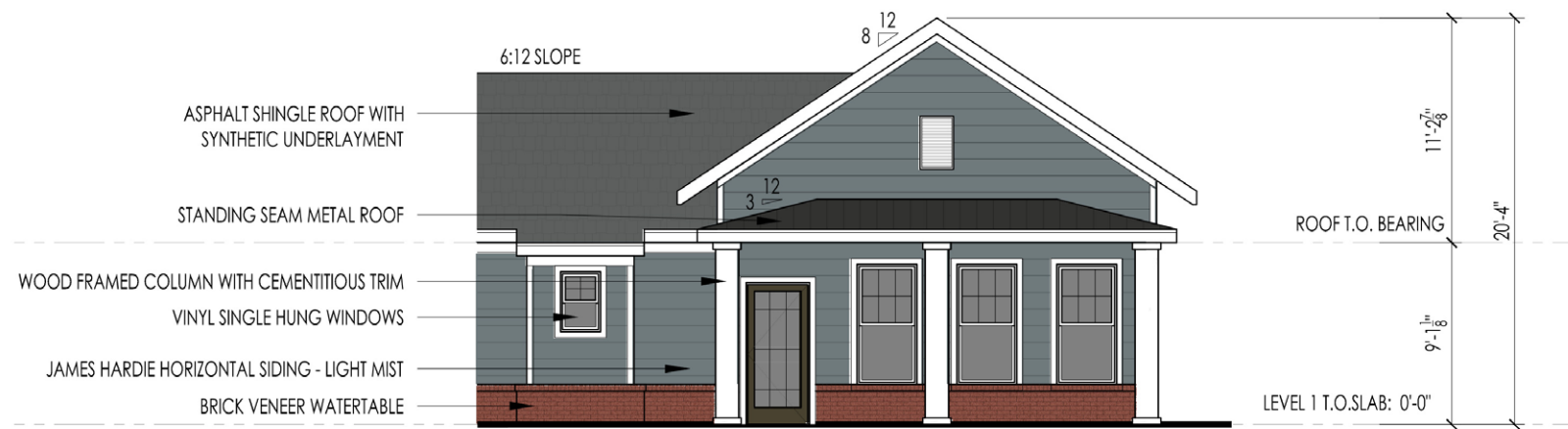
4 COTTAGE REAR ELEVATION



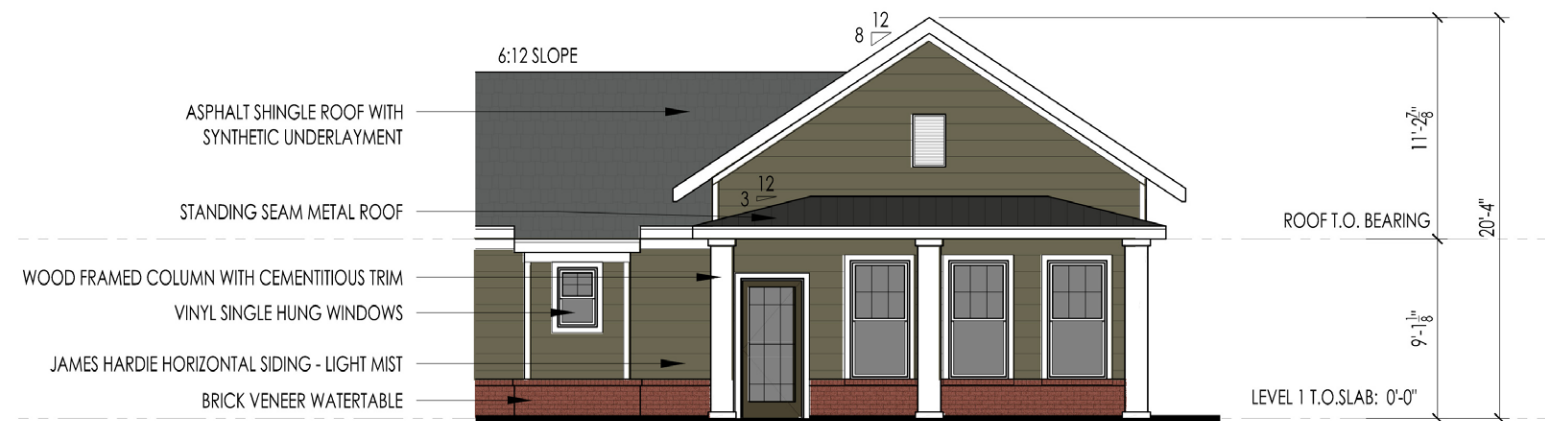
5 COTTAGE SIDE ELEVATION



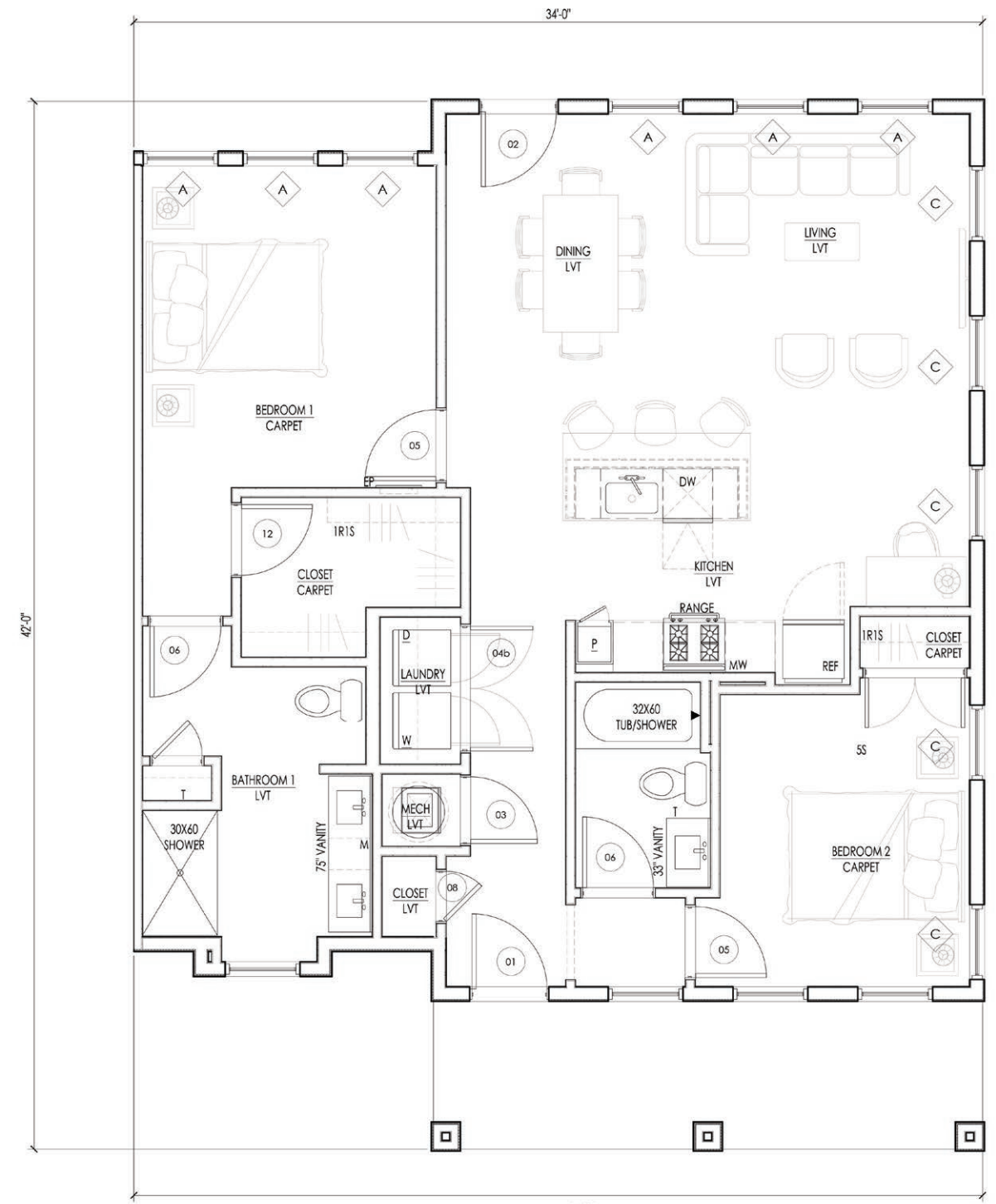
1 COTTAGE FRONT ELEVATION (OPTION 1)



2 COTTAGE FRONT ELEVATION (OPTION 2)



3 COTTAGE FRONT ELEVATION (OPTION 3)



3 COTTAGE FLOOR PLAN

\*Architecture shown is conceptual and meant to convey the overall appearance of the development. Finalized architecture shall be provided at the site plan level.

**Garage Architectural Characteristics:**

- Building height shall not exceed 35 feet in height
- Buildings will be 1-story
- Building exteriors shall consist of a mixture of materials and shall be varied to accentuate different elements along the building exterior
- Garage doors shall be decorative and match the architectural style of the development.
- Garages shall be for vehicular storage only.

**Building Materials:**

Front Elevations: Brick and Cement Board Siding  
Side Elevations: Cement Board Siding  
Rear Elevations: Cement Board Siding  
All Elevations: Vinyl Only Permitted in Trim & Soffit Areas

**Setbacks External to the Site**

Front: 35-feet  
Side: 30-feet  
Rear: 25-feet  
\*Garage units can be a minimum of 5-feet from rear property line

**Setbacks Internal to the Site**

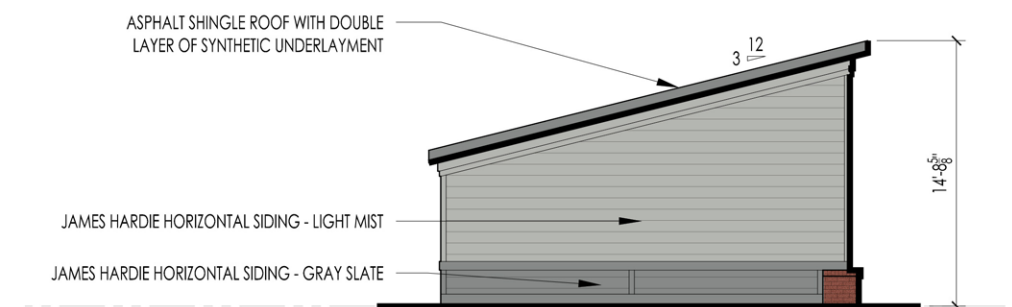
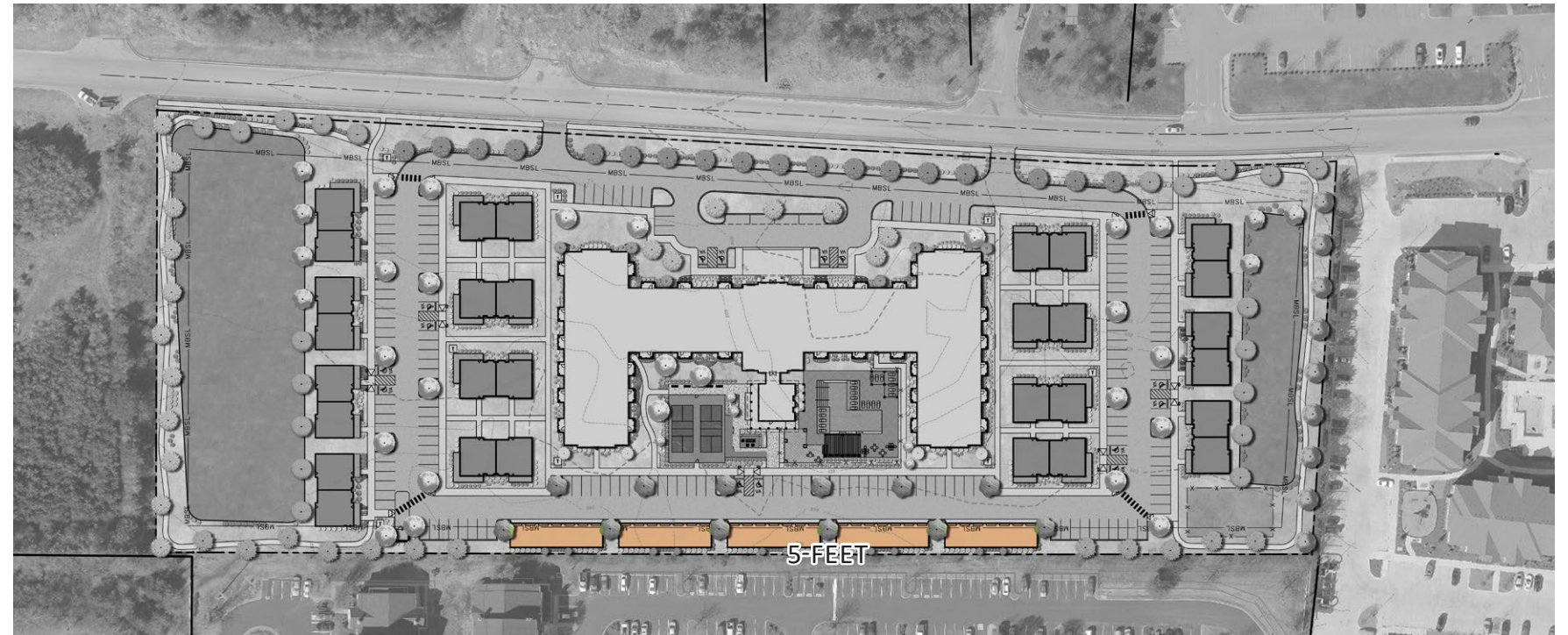
All: Buildings shall be at least 12-feet from back of curbs, except covered front entrance of main building.

**Cottage Units:**

Facing Rears	15-feet of separation
Facing Fronts	25-feet of separation
Facing Sides	15-feet of separation

**Active Adult Living Building:**

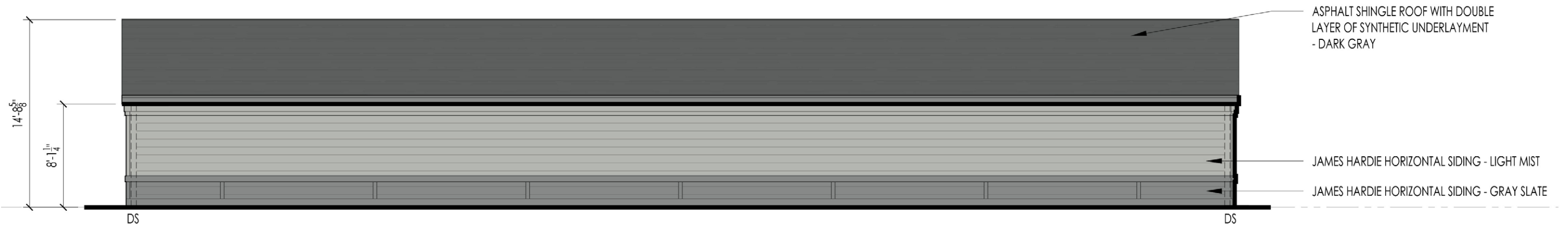
All Sides	20-feet of separation from Cottage Units
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7 GARAGE SIDE ELEVATION



6 FRONT GARAGE ELEVATION - 10 BAY



8 TYPICAL REAR GARAGE ELEVATION

\*Architecture shown is conceptual and meant to convey the overall appearance of the development. Finalized architecture shall be provided at the site plan level.





\*Architecture shown is conceptual and meant to convey the overall appearance of the development.  
Finalized architecture shall be provided at the site plan level.







\*Architecture shown is conceptual and meant to convey the overall appearance of the development.  
Finalized architecture shall be provided at the site plan level.

Arden at Murfreesboro offers a robust and diverse amenity package by providing a variety of amenities both inside and outside the Active Adult Living Building.

The first and second floors of the Active Adult Living Building provides a multitude of amenities. The first floor offers amenities such as the great-hall equipped with a refrigerator, microwave, dishwasher and sink. There is also a library, pet wash room, and pool house lounge with direct access to the exterior amenities.

The second floor provides amenities such as; a fitness center, wellness/meditation center, a crafts/office room, and a green room (pub and game room). The second floor will also have access to the roof-top balcony, overlooking the amenity courtyard.

- A - GREAT ROOM
- B - LIBRARY
- C - POOL HOUSE LOUNGE
- D - PET WASH ROOM
- E - MANAGEMENT OFFICES
- F - ELEVATORS
- G - STORAGE UNITS
- H - TRASH CHUTE/ROOM



MAIN BUILDING - FIRST FLOOR



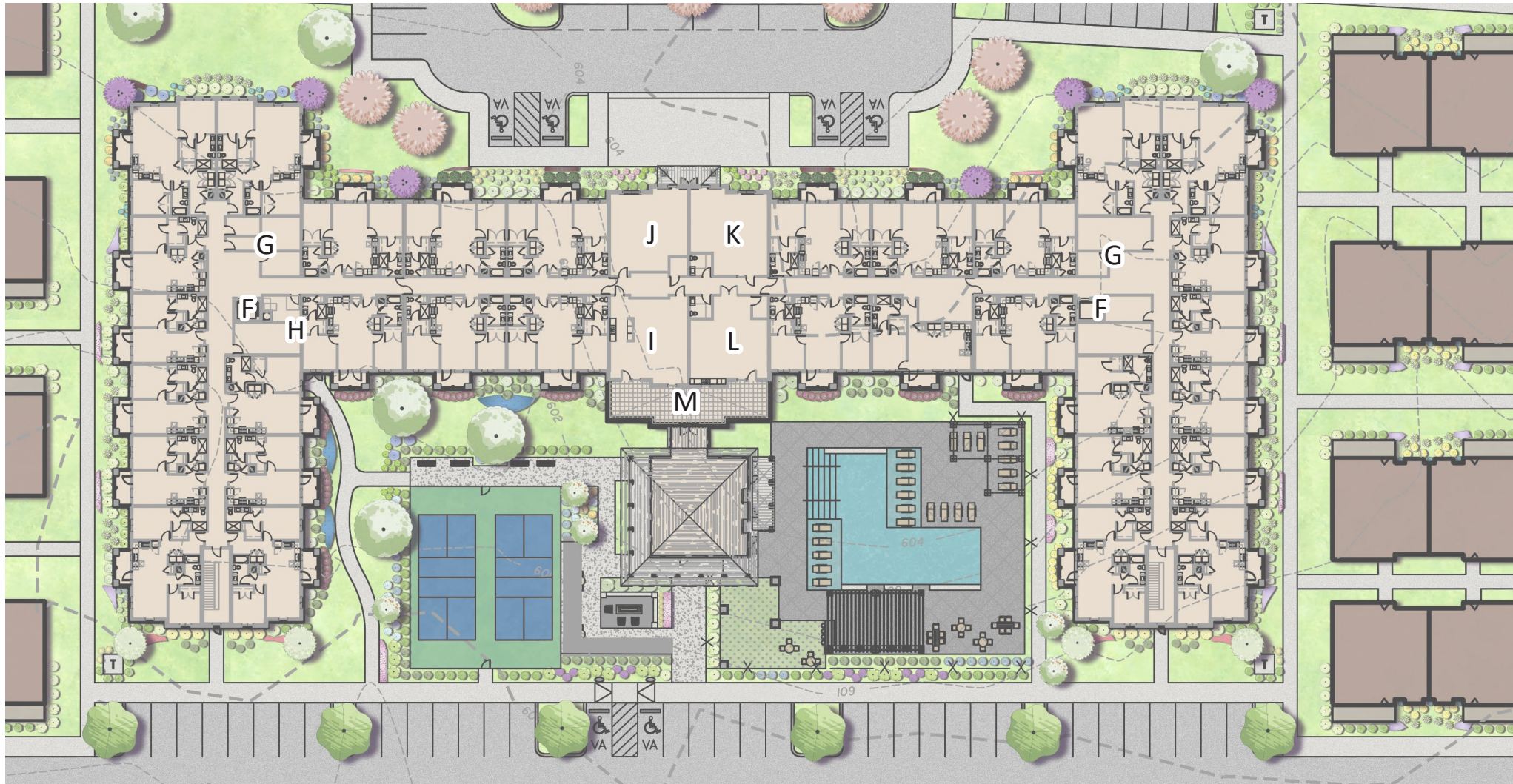
A - Example of Great Room



A - Example of Great Room (Kitchen View)



B - Example of Library



F - ELEVATORS  
 G - STORAGE UNITS  
 H - TRASH CHUTE/ROOM

I - GREEN ROOM  
 J - OFFICE/CRAFT STUDIO  
 K - FITNESS CENTER  
 L - WELLNESS CENTER  
 M - AMENITY BALCONY

MAIN BUILDING - SECOND FLOOR



I - Example of Green Room



J - Example of Office/Crafts Center



K - Example of Fitness Room



L - Example of Wellness/Meditation Room

With this request, Arden at Murfreesboro will be dedicating a minimum of 1.95 acres (20%) to open-space. The open space areas will be comprised of usable open space, detention areas, and the area along Agripark Drive. Usable open space areas around the development will offer such amenities as; a pickle-ball court, a pool/patio area, walking trails, event lawn, and a dog park. Sidewalks will be provided throughout the development to create a walkable community. The Agripark Drive entrances will incorporate masonry signage and will be anchored with landscaping.

A - WALKING TRIALS

B - DOG PARK

C - POOL/PATIO AREA

D - POOL HOUSE

E - GRILLING STATION

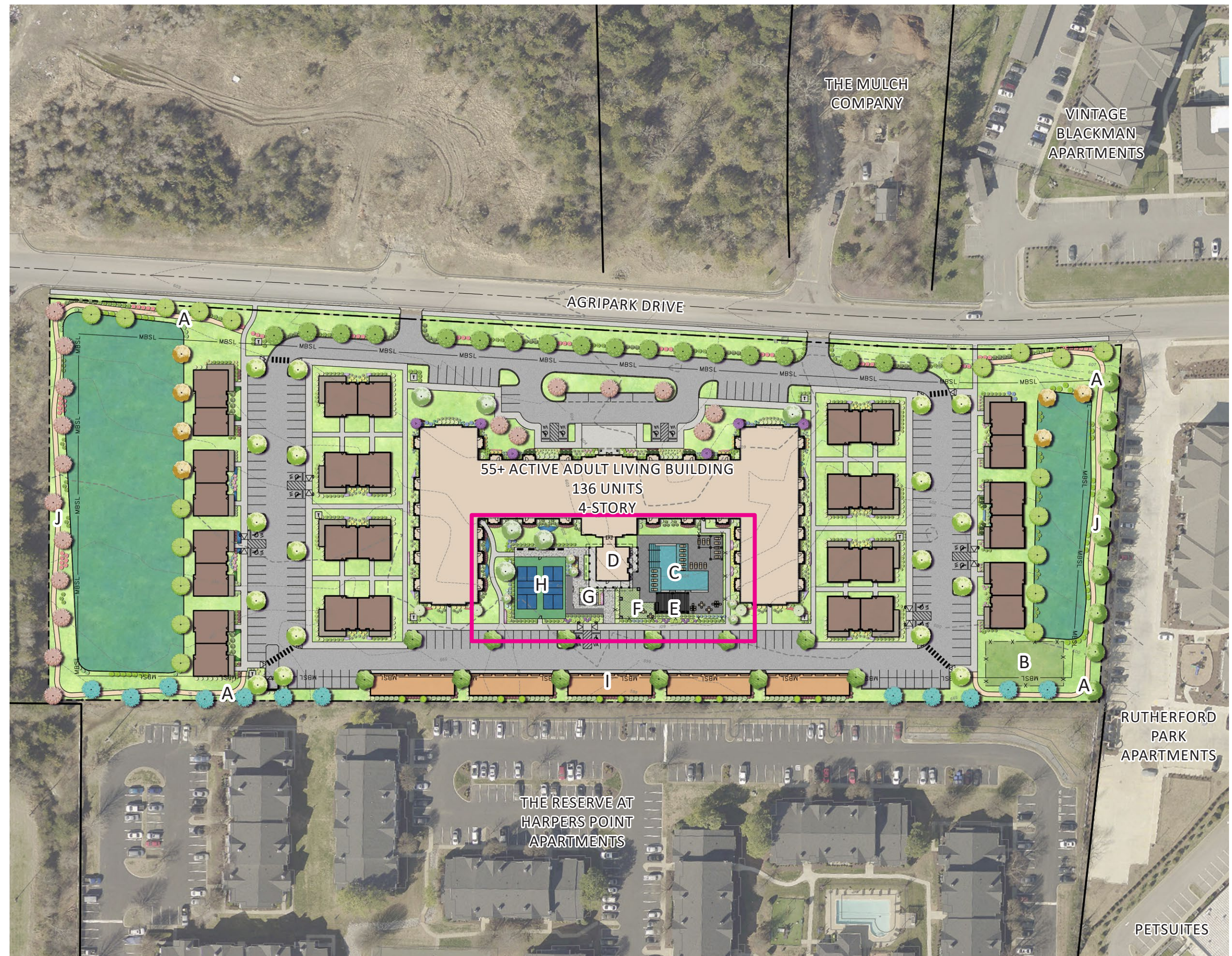
F - EVENT LAWN

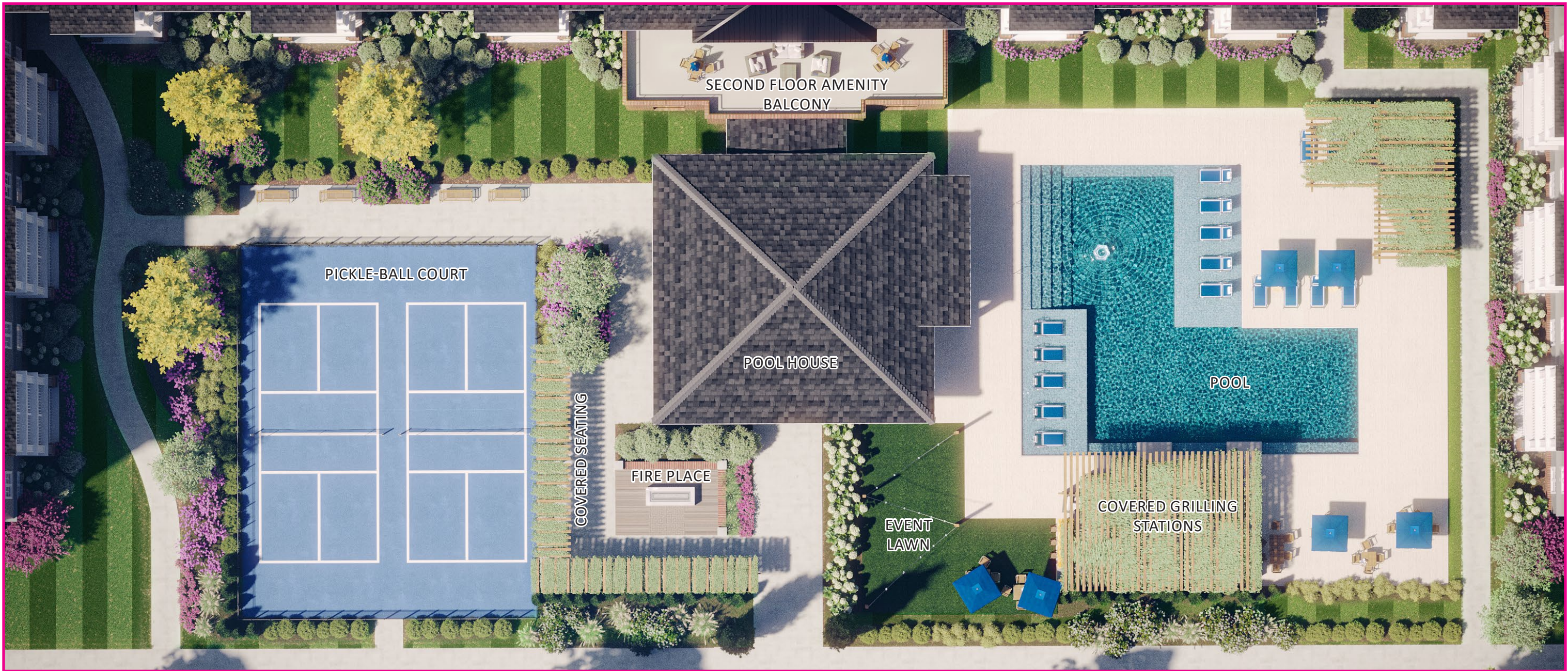
G - FIRE PLACE

H - PICKLE BALL COURT

I - GARAGES

J - SEATING AREAS





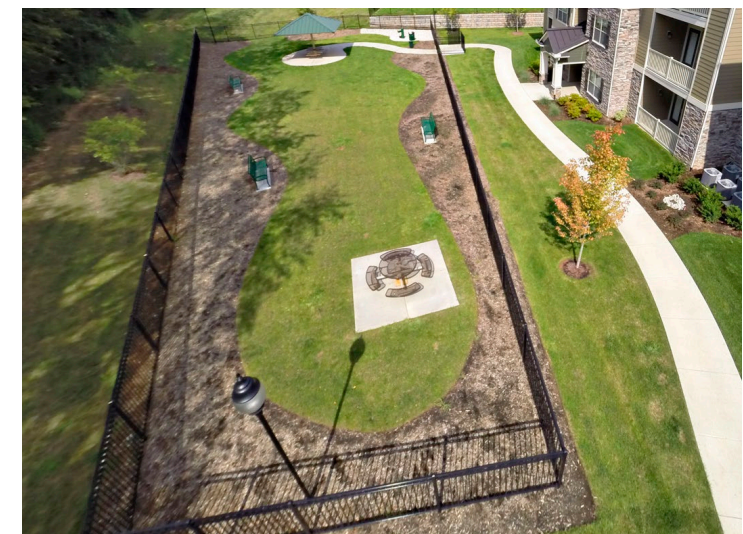
H -Pickle Ball Court



E - Example of Grilling Station (Final Design TBD)



F - Example of Event Lawn



B - Example of Pet Park



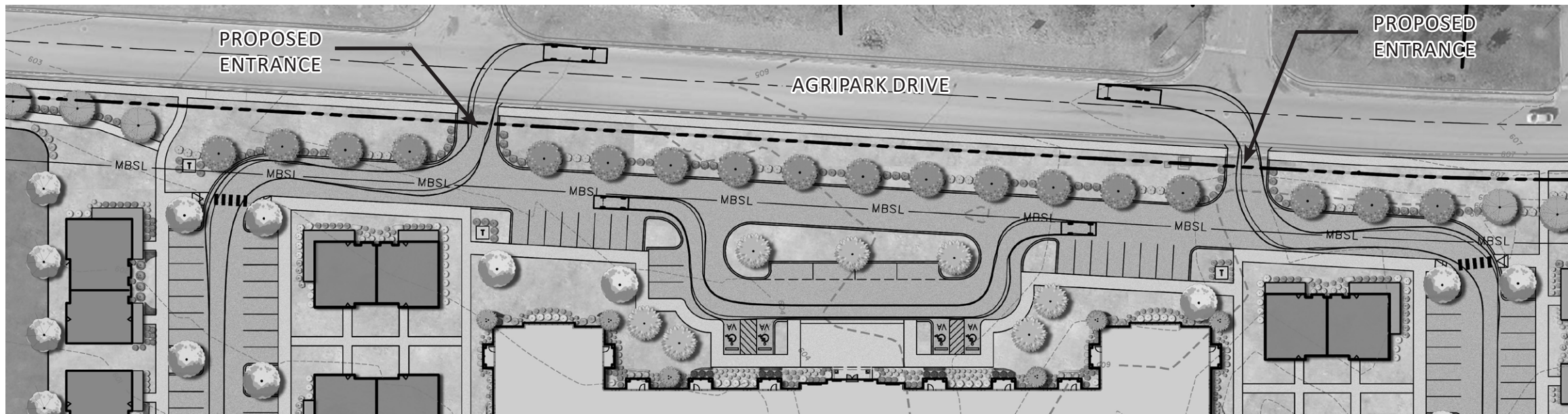


Figure 17.1

Pursuant to the City of Murfreesboro’s Major Thoroughfare Plan (MTP), none of the roadways near this development are slated for improvements. Agripark Drive is a major thoroughfare where the majority of vehicular trips generated by this development will impact. It is currently built as a 2 lane cross-section with a central turning lane and curb & gutter on both sides of the roadway.

The entrances propose two travel lanes for proper circulation into and out of the development onto Agripark Drive. There will be a single lane for traffic entering the site with the remaining lane dedicated to left-or-right turns out of the development. Figure 17.1 on the left shows the proposed entrances onto Agripark Drive, and the illustration below shows the proposed vehicular and pedestrian circulation through the site.

All drives within the development will be private with a typical 22 foot pavement cross-section. These drives will be built in accordance with the Murfreesboro Street Standards.

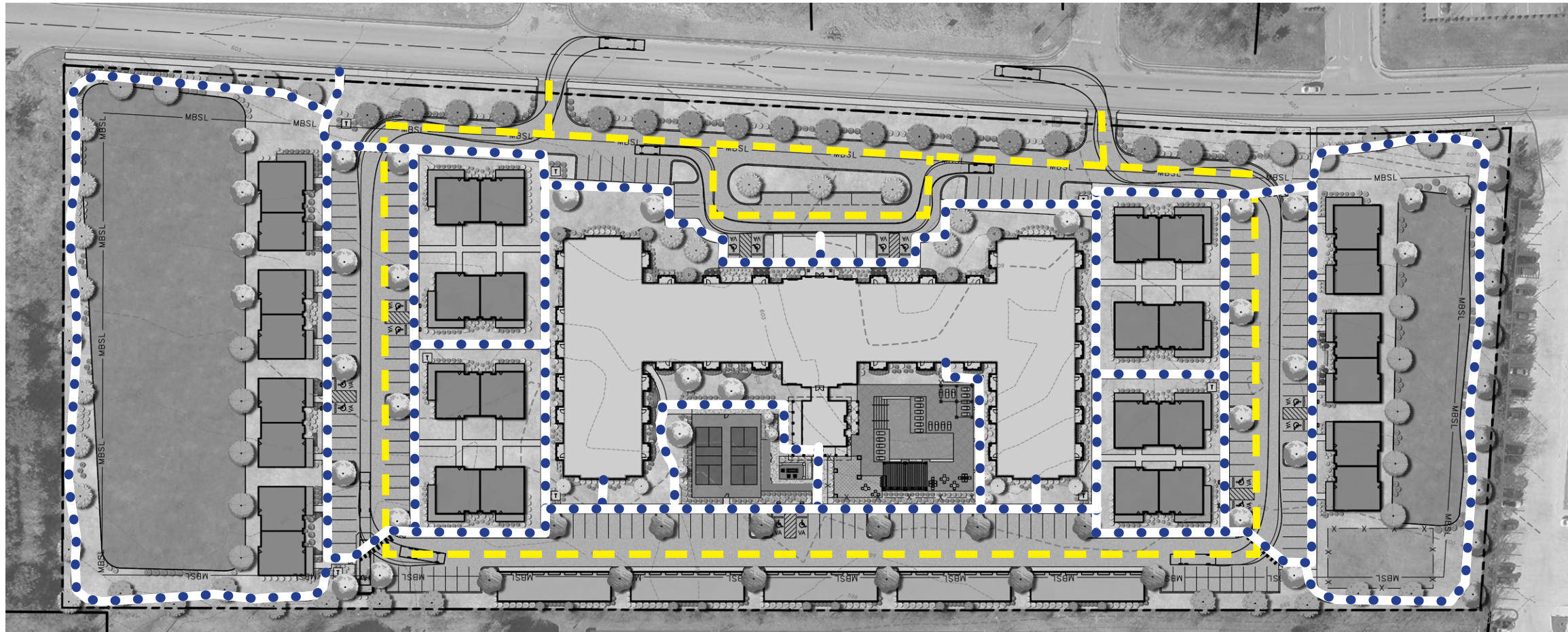
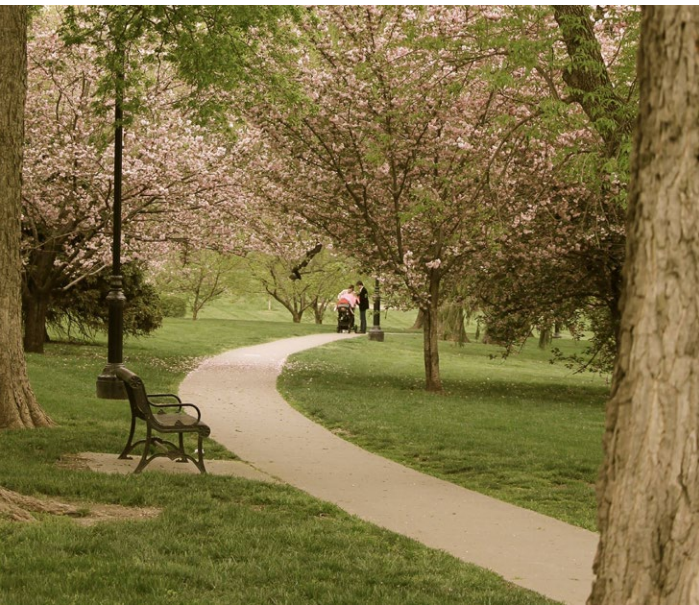


Figure 17.2

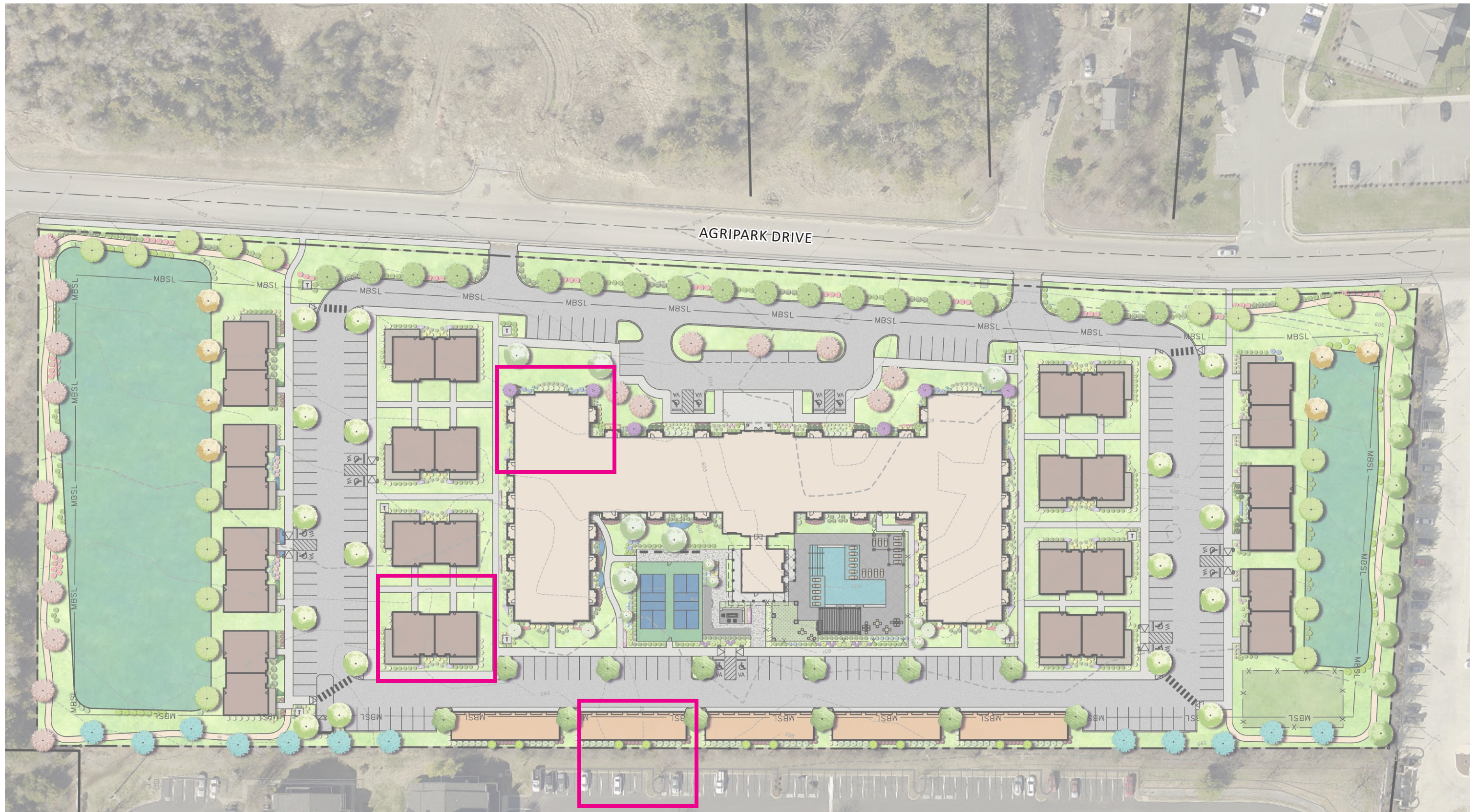
- — — — — VEHICULAR CIRCULATION
- • • • • PEDESTRIAN CIRCULATION



WALKING TRAIL EXAMPLE

\*Architecture shown is conceptual and meant to convey the overall appearance of the development. Finalized architecture shall be provided at the site plan level.





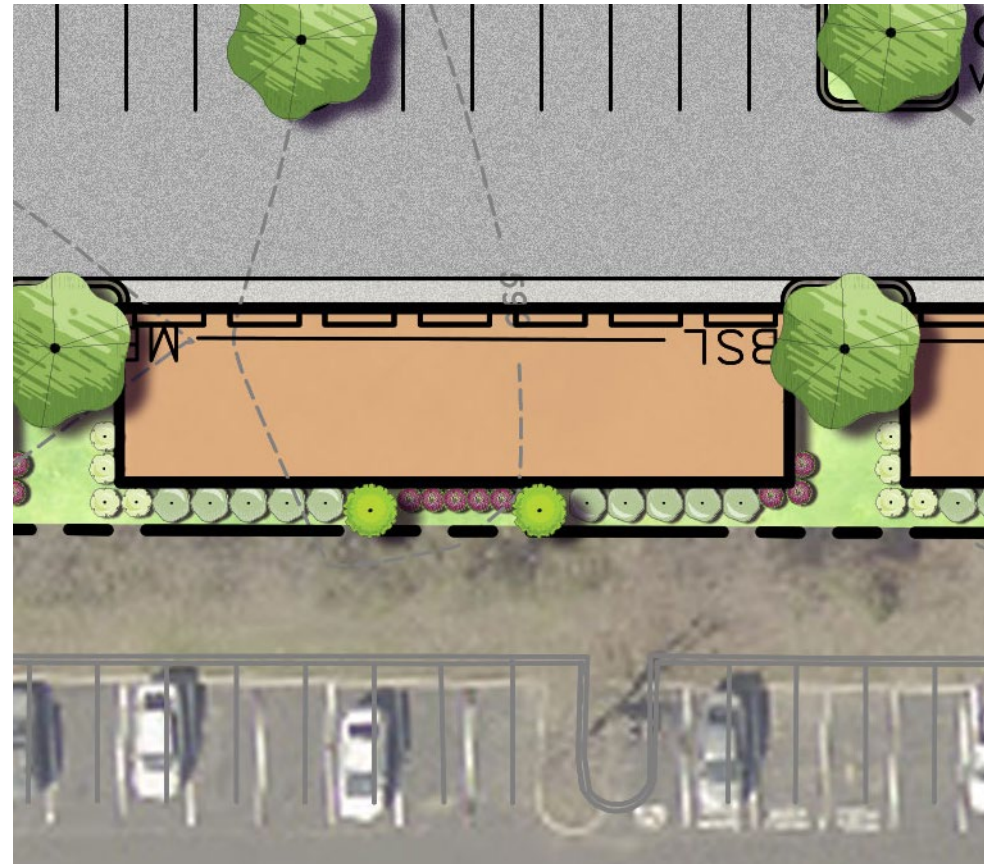
The site has been designed with ample landscaping to provide not only an aesthetically pleasing experience for the residents, but to aid in mitigating impacts to the surrounding areas. To ensure these characteristics, some standards are outlined below.

**Landscaping Characteristics:**

- A minimum 10 feet of landscape area between parking and all property lines.
- Public rights-of-way screened from parking by use of landscaping and/or berming.
- All above ground utilities and mechanical equipment screened with landscaping and/or fences.
- Solid waste enclosure screened with a masonry wall and enhanced with landscaping.
- The main building will have foundation planting beds along all elevations. Planting beds shall be a minimum of 3-Feet wide but meander and be of variable widths along the length of the elevations to allow for a variety of plant types, sizes and heights. Cottage units shall only be required landscaping along the front elevation and elevations which abut a proposed parking lot.
- Garage buildings shall have a minimum 3-ft wide planting bed along the rear foundations.



EXAMPLE OF TYPICAL BASE OF BUILDING LANDSCAPE OF MAIN BUILDING



EXAMPLE OF TYPICAL BASE OF BUILDING LANDSCAPE FOR GARAGE UNITS



EXAMPLE OF TYPICAL BASE OF BUILDING LANDSCAPE FOR COTTAGE UNITS

1.) A map showing available utilities, easements, roadways, rail lines and public right-of-way crossing and adjacent to the subject property.

**Response:** The exhibits provided on Pages 3-7 provide the requested materials.

2.) A graphic rendering of the existing conditions and/or aerial photograph(s) showing the existing conditions and depicting all significant natural topographical and physical features of the subject property; location and extent of water courses, wetlands, floodways, and floodplains on or within one hundred (100) feet of the subject property; existing drainage patterns; location and extent of tree cover; and community greenways and bicycle paths and routes in proximity to the subject property.

**Response:** The exhibits provided on Pages 3-7 provide the requested materials.

3.) A plot plan, aerial photograph, or combination thereof depicting the subject and adjoining properties including the location of structures on-site and within two hundred (200) feet of the subject property and the identification of the use thereof.

**Response:** The exhibits provided on Pages 3-7 provide the requested materials.

4.) A drawing defining the general location and maximum number of lots, parcels or sites proposed to be developed or occupied by buildings in the planned district; the general location and maximum amount of area to be developed for parking; the general location and maximum amount of area to be devoted to open space and to be conveyed, dedicated, or reserved for parks, playgrounds, recreation uses, school sites, public buildings and other common use areas; the approximate location of points of ingress and egress and access streets; the approximate location of pedestrian, bicycle and vehicular ways or the restrictions pertaining thereto and the extent of proposed landscaping, planting, screening, or fencing.

**Response:** The exhibits shown on Pages 8-9 provide the requested materials.

5.) A tabulation of the maximum number of dwelling units proposed including the number of units with two (2) or less bedrooms and the number of units with more than two (2) bedrooms.

**Response:** The exhibits shown on Pages 8-9 provide the requested materials.

6.) A tabulation of the maximum floor area proposed to be constructed, the F.A.R. (Floor Area Ratio), the L.S.R. (Livability Space Ratio), and the O.S.R. (Open Space Ratio). These tabulations are for the PRD.

TOTAL SITE AREA	424,795 s.f.
TOTAL MAXIMUM FLOOR AREA	208,875 s.f.
TOTAL LOT AREA	424,795 s.f.
TOTAL BUILDING COVERAGE	80,625 s.f.
TOTAL DRIVE/ PARKING AREA	83,286 s.f.
TOTAL RIGHT-OF-WAY	0 s.f.
TOTAL LIVABLE SPACE	341,509 s.f.
TOTAL OPEN SPACE	130,680 s.f.
<b>FLOOR AREA RATIO (F.A.R.)</b>	<b>0.49</b>
<b>LIVABILITY SPACE RATIO (L.S.R.)</b>	<b>0.61</b>
<b>OPEN SPACE RATIO (O.S.R.)</b>	<b>0.81</b>

7.) A written statement generally describing the relationship of the proposed planned district to the current policies and plans of the city and how the proposed planned district is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of this article.

**Response:** The property is currently zoned CH. The surrounding area has a mixture of residential and commercial properties. The concept plan and development standards combined with the architectural requirements of the homes shown within this booklet align and closely mimic the type of developments in the surrounding area.

8.) If the planned district is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating:

(aa) the approximate date when construction of the project can be expected to begin;

**Response:** The project is anticipated to be developed in one phases.

9.) Proposed means of assuring the continued maintenance of common space or other common elements and governing the use and continued protection of the planned district. For this purpose, the substance of any proposed restrictions or covenants shall be submitted.

**Response:** This requirement has been addressed on Pages 9 & 20-23.

10.) A statement setting forth in detail either (1) the exceptions which are required from the zoning and subdivision regulations otherwise applicable to the property to permit the development of the proposed planned district or (2) the bulk, use, and/or other regulations under which the planned district is proposed.

**Response:** The applicant is requesting the following exceptions with this PRD.

SETBACKS	RM-16 (Multi-Family)	PRD	DIFFERENCE
Front Setback	30.0'	35.0'	+5.0'
Side Setback	30.0' - 4 Story	30'	0.0'
Rear Setback	25.0'	25.0'	0.0'
Minimum Lot Size	N/A	N/A	N/A
Maximum Building Height	45'	50'	+5.0'

11.) The nature and extent of any overlay zone as described in Section 24 of this article and any special flood hazard area as described in Section 34 of this article

**Response:** This property is not in the Gateway Design Overlay District, Airport Overlay District (AOD), Historic District (H-1), or Planned Signage Overlay District (PS). No portion of this property lies in Zone AE, within the 100-year floodplain, according to the current FEMA Map Panel 47149C0255H Eff. Date 01/04/2007.

12.) The location and proposed improvements of any street depicted on the Murfreesboro Major Thoroughfare Plan as adopted and as it may be amended from time to time.

**Response:** Pages 4 & 19 discusses the Major Thoroughfare Plan.

13.) The name, address, telephone number, and facsimile number of the applicant and any professional engineer, architect, or land planner retained by the applicant to assist in the preparation of the planned district plans. A primary representative shall be designated.

**Response:** The primary representative is Matt Taylor of SEC, Inc. Developer/ applicant is FC Murfreesboro. contact info for both is provided on cover.

14.) Architectural renderings, architectural plans or photographs of proposed structures with sufficient clarity to convey the appearance of proposed structures. The plan shall include a written description of proposed exterior building materials including the siding and roof materials, porches, and decks. The location and orientation of exterior light fixtures and of garages shall be shown if such are to be included in the structures.

**Response:** Pages 10-18 show the architectural character of the proposed buildings and building materials listed. However, exact configuration for these items is unknown and will be determined as each building is built.

15.) If a development entrance sign is proposed the application shall include a description of the proposed entrance sign improvements including a description of lighting, landscaping, and construction materials.

**Response:** Examples of entrance signage are located on Page 9 and a description is on Pages 3 and 10.

LAND USE PARAMETERS AND BUILDING SETBACKS			
ZONING (EXISTING VS PROPOSED)	RM-16	PROPOSED PRD	DIFFERENCE
RESIDENTIAL DENSITY			
MAXIMUM DWELLING UNITS MULTI-FAMILY	N/A	166	N/A
MINIMUM LOT AREA	N/A	NA	N/A
MINIMUM LOT WIDTH	N/A	NA	N/A
MINIMUM EXTERNAL SETBACK REQUIREMENTS			
MINIMUM FRONT SETBACK	30'	35'	+5'
MINIMUM SIDE SETBACK	30' - 4 STORY BUILDING	30'	0'
MINIMUM REAR SETBACK	25'	25'	0'
LAND USE INTENSITY RATIOS			
MAX F.A.R.	NONE	NONE	NA
MINIMUM LIVABLE SPACE RATIO	NONE	NONE	NA
MINIMUM OPEN SPACE REQUIREMENT	20%	20%	0%
MINIMUM FORMAL OPEN SPACE REQUIREMENT	5%	5%	0%
MAX HEIGHT	45'	50'	+5'

**PRD Exceptions Request Summary:**

- Requesting an exception to reduce the amount of parking required for the site from 280 parking spaces to 180 parking spaces. Due to the comparison of RM-16 instead of a similar land-use, such as an assisted living facility, this exception appears at a larger disparity. When compared to the assisted living requirements (1 space per 3 beds), even if all 136 units have two beds the total would be (272 beds / 3 = 91 spaces plus 66 (cottage spaces) = a total of 157. Currently the development proposes 198 spaces with an additional 14 accessible.
- Requesting an exception of allowable building height from 45' to 50'.
- Requesting an exception for the Active Adult Living Building to have up to a total of 4-stories. This exception allows the development to create more opportunities for open space and amenities.

**Density Bonus:**

Additionally this development goes above and beyond the minimum required amenities.

Per the Murfreesboro Density Bonus for RM-16 and RM-12 districts, the following amenities would equate to a density bonus as shown below.

- Permanent in-ground pool - One percent for each 500 sqft of pool surface area to a max of 5% not to exceed 6 dwelling units  
±2,438sqft of pool area = (4.88%) x (16 units/ac x 9.75ac = 156 units) = 7.6 units = 6 units
- Standard size tennis court - One percent per court provided up to a maximum of 3% not to exceed 4 dwelling units  
2 pickle-ball courts (comparable) = (2%) x (16 units/ac x 9.75ac = 156 units) = 3.12 units = 3.12 units
- Clubhouse - such room(s) shall include meeting, weight, game, and kitchen rooms - 1% for each 1,000 sqft to a maximum of 5% or 6 dwelling units  
+5,000 of clubhouse and internal amenity rooms = (5%) x (16 units/ac x 9.75ac = 156 units) = 7.8 units = 6 units

Total density bonus = 15.12 units

156 units (at 16 units/ac) + 15.12 units = 171.12 allowable units per density bonus.

# SEC, Inc.

## SITE ENGINEERING CONSULTANTS

Engineering • Surveying • Land Planning • Landscape Architecture  
850 Middle Tennessee Blvd, Murfreesboro, TN 37129  
www.sec-civil.com • 615-890-7901 • fax 615-895-2567

January 26, 2023

Marina Rush  
City of Murfreesboro Planning Department  
111 West Vine Street  
Murfreesboro, TN 37130

RE: Parking Reductions Justification Memo  
Arden at Murfreesboro PRD  
Murfreesboro, TN  
SEC No. 22222

Dear Marina,

Our PRD application has requested a reduction in parking. At your request, we have compiled data and information for justification on this request which is listed below.

Our client, Arden, owns and operates 4 independent living, assisted living and memory care facilities, 3 multifamily communities, and 2 age restricted senior communities with an additional 2 under construction and 6 more fully entitled and in pre-development. In addition, they have surveyed a multitude of age restricted communities throughout the country and found that age restricted developments are typically parked at 1.1 space per unit, the parking utilization rate varies but approximately 90% of the residents have cars. Their age restricted communities would not be successful, and they would never develop a community that was under parked and/or over parked for that matter. They design their communities with the necessary parking spaces to create a successful development which allows us to save more green space and provide extra amenities.

Furthermore, we sought guidance from national engineering standards. We researched other available sources of parking data to provide additional information. The source for this calculation is the *Parking Generation Manual*, 5th Edition published by the Institute of Transportation Engineers (ITE). ITE is an international membership association of transportation professionals who work to improve safety and mobility for all transportation system users and help build smart and livable communities.

*Parking Generation Manual* is an educational tool for planners, transportation professionals, zoning boards, and others who are interested in estimating parking demand of a proposed development.

The manual has a land use applicable to this project: 252 Senior Adult Housing—Attached with the following description:

*Senior adult housing consists of attached independent living developments, including retirement communities, age-restricted housing, and active adult communities. This type of housing for active senior adults can take the form of bungalows, townhouses, and apartments. These developments may include limited social or recreational services. They generally lack*

*centralized dining and on-site medical facilities. Residents in these communities live independently, are typically active (requiring little to no medical supervision) and may or may not be retired.*

The manual provides a parking demand per dwelling unit of 0.61 spaces per dwelling. The range of rates from the source data is 0.45 - 0.67 with a standard deviation of 0.11 (18%).

Applying the Parking Generation Manual ratio to this project (166 units) provides the result of 102 required parking spaces to accommodate this land use.

Respectfully,

A handwritten signature in red ink that reads "Matt Taylor". The signature is written in a cursive style.

Matt Taylor, PE  
Vice-President

**MURFREESBORO PLANNING COMMISSION  
STAFF COMMENTS, PAGE 1  
FEBRUARY 1, 2023  
PROJECT PLANNER: JENNIFER KNAUF**

- 4.b. Zoning Ordinance amendment [2023-801] regarding amendments to Section 34: Floodplain Zoning, City of Murfreesboro Planning Department applicant.**

**Section 34: Floodplain Zoning:**

The final flood hazard determination for Rutherford County, Tennessee and Incorporated Areas was issued by the Federal Emergency Management Agency (FEMA) on November 9, 2022 and within six months from the date of this letter, the community is required to adopt the current effective and final revised Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) into their standards and regulations as a condition of continued eligibility in the NFIP (National Flood Insurance Program). The new maps reflect the FEMA Stones River Watershed FIRM Map revisions where portions of this watershed were restudied by FEMA. The new map panels will only impact select panels in the Stones River Watershed and will not impact all areas of the City of Murfreesboro. Those map panel numbers are 47149C0140J, 47149C0145J, 47149C0255J, 47149C0260J, 47149C0270J, 47149C0280J, and 47149C0290J. The FIS report and FIRM for these panels will become effective on May 9, 2023. In addition to the new map panels, the City has identified FIRM panels where City limits have encroached onto neighboring jurisdictions through annexation. To ensure the City adopts all FIRM panels within its jurisdiction, the following map panels will be included in the flood map adoption process: 47479C0153H, 47479C0162H, 47479C0245H, and 47479C0119H.

The City's floodplain regulations are contained within Section 34 of the Zoning Ordinance. In addition to adopting the new panels from the Stones River Watershed FIRM Map Revision and panels for annexed areas, the City will use the opportunity of the new mapping update to add floodplain language to regulate localized flood hazard areas not identified by FEMA on the Flood Insurance Rate Maps (FIRMs). These areas to be identified as Community Identified Flood Hazard Areas shall include but are not limited to Zone X (Shaded and Unshaded), closed depressions, critical lots, critical facilities, and any basins covered by a local drainage study. These areas have historically been identified through the development review process and adding this language to Section 34 of the Zoning Ordinance gives the City authorization to enforce in these areas to protect its

residents from flood risk.

Additional amendments to Section 34 of the Zoning Ordinance include minor revisions as recommended by the State's NFIP Coordinator in order to be consistent with the FEMA model floodplain management ordinance. These revisions include language related to the Conditional Letter of Map Revision (CLOMR) process and the variance procedures. In total, the proposed changes as presented in the draft are a working document in progress and minor changes may be made prior to final adoption.

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended, and 44 CFR Part 59.24. The deadline to come into compliance is May 9, 2023.

**Action needed**

The Planning Commission will need to conduct a public hearing on this matter, after which it will need to discuss and then formulate a recommendation to City Council. As an aside, Planning Staff expects to have an updated draft of this Zoning Ordinance amendment prior to the public hearing. The updated draft will be distributed to the Planning Commission members separately from the agenda.



ORDINANCE NO. \_\_\_\_\_

**MUNICIPAL FLOODPLAIN ZONING ORDINANCE**

**AN ORDINANCE ADOPTED FOR THE PURPOSE OF AMENDING THE CITY OF MURFREESBORO, TENNESSEE MUNICIPAL ZONING ORDINANCE REGULATING DEVELOPMENT WITHIN THE CORPORATE LIMITS OF MURFREESBORO, TENNESSEE, TO MINIMIZE DANGER TO LIFE AND PROPERTY DUE TO FLOODING, AND TO MAINTAIN ELIGIBILITY FOR PARTICIPATION IN THE NATIONAL FLOOD INSURANCE PROGRAM.**

**ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

**Section A. Statutory Authorization**

The Legislature of the State of Tennessee has in Sections 13-7-201 through 13-7-210, Tennessee Code Annotated delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Murfreesboro, Tennessee, Mayor and the Murfreesboro Councilmembers, do ordain as follows:

**Section B. Findings of Fact**

1. The City of Murfreesboro, Tennessee, Mayor and its Councilmembers wishes to maintain eligibility in the National Flood Insurance Program (NFIP) and in order to do so must meet the NFIP regulations found in Title 44 of the Code of Federal Regulations (CFR), Ch. 1, Section 60.3.
2. Areas of the City of Murfreesboro, Tennessee are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
3. Flood losses are caused by the cumulative effect of obstructions in floodplains, causing increases in flood heights and velocities; by uses in flood hazard areas which are vulnerable to floods; or construction which is inadequately elevated, floodproofed, or otherwise unprotected from flood damages.

**Section C. Statement of Purpose**

It is the purpose of this Ordinance to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas. This Ordinance is designed to:

1. Restrict or prohibit uses which are vulnerable to flooding or erosion hazards, or which result in damaging increases in erosion, flood heights, or velocities;

2. Require that uses vulnerable to floods, including community facilities, be protected against flood damage at the time of initial construction;
3. Control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of floodwaters;
4. Control filling, grading, dredging and other development which may increase flood damage or erosion;
5. Prevent or regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands.

**Section D. Objectives**

The objectives of this Ordinance are:

1. To protect human life, health, safety and property;
2. To minimize expenditure of public funds for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in floodprone areas;
6. To help maintain a stable tax base by providing for the sound use and development of floodprone areas to minimize blight in flood areas;
7. To ensure that potential homebuyers are notified that property is in a floodprone area;
8. To maintain eligibility for participation in the NFIP.

**ARTICLE II. DEFINITIONS**

Unless specifically defined below, words or phrases used in this Ordinance shall be interpreted as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application given its stated purpose and objectives.

**"Accessory Structure"** means a subordinate structure to the principal structure on the same lot and, for the purpose of this Ordinance, shall conform to the following:

1. Accessory structures shall only be used for parking of vehicles and storage.
2. Accessory structures shall be designed to have low flood damage potential.

3. Accessory structures shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of floodwaters.
4. Accessory structures shall be firmly anchored to prevent flotation, collapse, and lateral movement, which otherwise may result in damage to other structures.
5. Utilities and service facilities such as electrical and heating equipment shall be elevated or otherwise protected from intrusion of floodwaters.

**"Addition (to an existing building)"** means any walled and roofed expansion to the perimeter or height of a building.

**"Appeal"** means a request for a review of the local enforcement officer's interpretation of any provision of this Ordinance or a request for a variance.

**"Area of Shallow Flooding"** means a designated AO or AH Zone on a community's Flood Insurance Rate Map (FIRM) with one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate; and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**"Area of Special Flood-related Erosion Hazard"** is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Hazard Boundary Map (FHBM). After the detailed evaluation of the special flood-related erosion hazard area in preparation for publication of the FIRM, Zone E may be further refined.

**"Area of Special Flood Hazard"** see **"Special Flood Hazard Area"**.

**"Base Flood"** means the flood having a one percent chance of being equaled or exceeded in any given year. This term is also referred to as the 100-year flood or the one (1)-percent annual chance flood.

**"Basement"** means any portion of a building having its floor subgrade (below ground level) on all sides.

**"Building"** see **"Structure"**.

**"Closed Depression"** is a topographical basin where water ponds to a seasonal high water, has no external drainage, and drainage may occur either through direct conduits to groundwater or low areas where water ponds and infiltrates into the groundwater. Closed depressions may be identified using topographic maps and visual interpretation, ArcGIS tools, or other methods. A seasonal high water mark may include, but is not limited to, areas that collect and retain water for an extended time.

**"Critical Facilities"** means facilities for which even a slight chance of flooding is too great a threat. Critical facilities include, but are not limited to designated public shelters, schools, nursing homes, police, fire and emergency response installations, and installations which produce, use or store hazardous materials or hazardous waste.

**"Critical Lot"** is a parcel of land proposed for development of any type that due to its location, surroundings, nature and characteristics that may require additional study, design, detail, requirements and/or restrictions to render it suitable for the proposed development. The

additional effort may address drainage, fill, flood potential, easements, setbacks, utilities, and other similar attributes of land.

**"Development"** means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or storage of equipment or materials.

**"Elevated Building"** means a non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of floodwater, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

**"Emergency Flood Insurance Program"** or **"Emergency Program"** means the program as implemented on an emergency basis in accordance with Section 1336 of the Act. It is intended as a program to provide a first layer amount of insurance on all insurable structures before the effective date of the initial FIRM.

**"Erosion"** means the process of the gradual wearing away of land masses. This peril is not "per se" covered under the Program.

**"Exception"** means a waiver from the provisions of this Ordinance which relieves the applicant from the requirements of a rule, regulation, order or other determination made or issued pursuant to this Ordinance.

**"Existing Construction"** means any structure for which the "start of construction" commenced before the effective date of the initial floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

**"Existing Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management code or ordinance adopted by the community as a basis for that community's participation in the NFIP.

**"Existing Structures"** see **"Existing Construction"**.

**"Federal Emergency Management Agency (FEMA)"** The Federal agency with the overall responsibility for administering the National Flood Insurance Program (NFIP).

**"Expansion to an Existing Manufactured Home Park or Subdivision"** means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**"Flood" or "Flooding"**

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters.
2. The unusual and rapid accumulation or runoff of surface waters from any source.

3. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a)(1) of this definition.

**"Flood Elevation Determination"** means a determination by the Federal Emergency Management Agency (FEMA) of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

**"Flood Elevation Study"** means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) or flood-related erosion hazards.

**"Flood Hazard Boundary Map (FHBM)"** means an official map of a community, issued by FEMA, where the boundaries of areas of special flood hazard have been designated as Zone A.

**"Flood Insurance Rate Map (FIRM)"** means an official map of a community, issued by FEMA, delineating the areas of special flood hazard or the risk premium zones applicable to the community.

**"Flood Insurance Study"** is the official report provided by FEMA, evaluating flood hazards and containing flood profiles and water surface elevation of the base flood.

**"Floodplain"** or **"Floodprone Area"** means any land area susceptible to being inundated by water from any source (see definition of "flooding").

**"Floodplain Management"** means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

**"Flood Protection System"** means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

**"Floodproofing"** means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities and structures and their contents.

**"Flood-related Erosion"** means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding.

**"Flood-related Erosion Area"** or **"Flood-related Erosion Prone Area"** means a land area adjoining the shore of a lake or other body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

**"Flood-related Erosion Area Management"** means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including but not limited to emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

**"Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**"Freeboard"** means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, blockage of bridge or culvert openings, and the hydrological effect of urbanization of the watershed.

**"Functionally Dependent Use"** means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

**"Hydrologic and Hydraulic Engineering Analyses"** means analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by TEMA and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.

**"Highest Adjacent Grade"** means the highest natural elevation of the ground surface, prior to construction, adjacent to the proposed walls of a structure.

**"Historic Structure"** means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on the Tennessee inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on the City of Murfreesboro, Tennessee inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:

- a. By the approved Tennessee program as determined by the Secretary of the Interior or
- b. Directly by the Secretary of the Interior.

**"Letter of Map Change (LOMC)"** A Letter of Map Change is an official FEMA determination, by letter, that amends or revises an effective Flood Insurance Rate Map or Flood Insurance Study. Letters of Map Change include:

Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a specific property or structure is not located in a special flood hazard area.

Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features. A Letter of Map Revision Based on Fill (LOMR-F), is a determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A Conditional Letter of Map Revision Based on Fill (CLOMR-F) is a determination that a parcel of land or proposed structure that will be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed. A CLOMR does not revise the effective Flood Insurance Rate Map or Flood Insurance Study; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by FEMA, to revise the effective FIRM.

**"Levee"** means a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

**"Levee System"** means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

**"Lowest Floor"** means the lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure used solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

**"Manufactured Home"** means a structure, transportable in one or more sections, which is built on a permanent chassis and designed for use with or without a permanent foundation when attached to the required utilities. The term "Manufactured Home" does not include a "Recreational Vehicle".

**"Manufactured Home Park or Subdivision"** means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**"Map"** means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by FEMA.

**"Mean Sea Level"** means the average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For the purposes of this Ordinance, the term is synonymous with the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

**"National Flood Insurance Program (NFIP)"** The program authorized by the U.S. Congress in 42 U.S.C. §§4001 - 4129. The NFIP makes flood insurance coverage available in communities that agree to adopt and enforce minimum regulatory requirements for development in areas prone to flooding (see definition of "Special Flood Hazard Area").

**"National Geodetic Vertical Datum (NGVD)"** means, as corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

**"New Construction"** means any structure for which the "start of construction" commenced on or after the effective date of the initial floodplain management Ordinance and includes any subsequent improvements to such structure.

**"New Manufactured Home Park or Subdivision"** means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance or the effective date of the initial floodplain management ordinance and includes any subsequent improvements to such structure.

**"North American Vertical Datum (NAVD)"** means, as corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain.

**"100-year Flood"** see **"Base Flood"**.

**"Person"** includes any individual or group of individuals, corporation, partnership, association, or any other entity, including State and local governments and agencies.

**"Reasonably Safe from Flooding"** means base flood waters will not inundate the land or damage structures to be removed from the Special Flood Hazard Area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

**"Recreational Vehicle"** means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck;



4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**"Regulatory Floodway"** means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

**"Regulatory Flood Protection Elevation"** means the "Base Flood Elevation" plus the "Freeboard". In "Special Flood Hazard Areas" where Base Flood Elevations (BFEs) have been determined, this elevation shall be the BFE plus 1 foot. In "Special Flood Hazard Areas" where no BFE has been established, this elevation shall be at least three (3) feet above the highest adjacent grade.

**"Riverine"** means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

**"Special Flood Hazard Area"** is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the FHBM. After detailed ratemaking has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE or A99.

**"Special Hazard Area"** means an area having special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-30, AE, A99, or AH.

**"Start of Construction"** includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure (including a manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; and includes the placement of a manufactured home on a foundation. Permanent construction does not include initial land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds, not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**"State Coordinating Agency"** the Tennessee Emergency Management Agency, State NFIP Office, as designated by the Governor of the State of Tennessee at the request of FEMA to assist in the implementation of the NFIP for the State.

**"Structure"** for purposes of this Ordinance, means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

**"Substantial Damage"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

**"Substantial Improvement"** means any reconstruction, rehabilitation, addition, alteration or other improvement of a structure in which the cost equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the initial improvement. This

term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The market value of the structure should be (1) the appraised value of the structure prior to the start of the initial improvement, or (2) in the case of substantial damage, the value of the structure prior to the damage occurring.

The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of State or local health, sanitary, or safety code specifications which have been pre-identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions and not solely triggered by an improvement or repair project or; (2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**"Substantially Improved Existing Manufactured Home Parks or Subdivisions"** is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty percent (50%) of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

**"Variance"** is a grant of relief from the requirements of this Ordinance.

**"Violation"** means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certification, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as that documentation is provided.

**"Water Surface Elevation"** means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum (NAVD) of 1988, or other datum, where specified, of floods of various magnitudes and frequencies in the floodplains of riverine areas.

### **ARTICLE III. GENERAL PROVISIONS**

#### **Section A. Application**

This Ordinance shall apply to all areas within the incorporated area of Murfreesboro, Tennessee.

#### **Section B. Basis for Establishing the Areas of Special Flood Hazard**

- A. The Areas of Special Flood Hazard identified on the City of Murfreesboro, Tennessee, as identified by FEMA, and in its Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM), Community Panel Numbers 47149C0119H, 47149C0245H, 47149C0134H, 47149C0153H, 47149C0161H, 47149C0162H, 47149C0163H, 47149C0164H, 47149C0235H, and 47149C0265H dated January 5, 2007; and 47149C0140J, 47149C0145J, 47149C0255J, 47149C0260J, 47149C0270J, 47149C0280J, and 47149C0290J dated May 9, 2023, along with all supporting technical data, are adopted by reference and declared to be a part of this Ordinance.
- B. Any Community Identified Flood Hazard Areas - shall be those areas where the City of Murfreesboro has identified local flood hazard or ponding areas, as delineated and adopted on a "Local Flood Hazard Map" using best available topographic data and

locally derived information such as flood of record, historic high water marks, soils or approximate study methodologies.

**Section C. Requirement for Development Permit**

A development permit shall be required in conformity with this Ordinance prior to the commencement of any development activities.

**Section D. Compliance**

No land, structure or use shall hereafter be located, extended, converted or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

**Section E. Abrogation and Greater Restrictions**

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants or deed restrictions. However, where this Ordinance conflicts or overlaps with another regulatory instrument, whichever imposes the more stringent restrictions shall prevail.

**Section F. Interpretation**

In the interpretation and application of this Ordinance, all provisions shall be: (1) considered as minimum requirements; (2) liberally construed in favor of the governing body and; (3) deemed neither to limit nor repeal any other powers granted under Tennessee statutes.

**Section G. Warning and Disclaimer of Liability**

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the Areas of Special Flood Hazard or uses permitted within such areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Murfreesboro, Tennessee or by any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made hereunder.

**Section H. Penalties for Violation**

Violation of the provisions of this Ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with grants of variance shall constitute a misdemeanor punishable as other misdemeanors as provided by law. Any person who violates this ordinance or fails to comply with any of its requirements shall, upon adjudication therefore, be fined as prescribed by Tennessee statutes, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Murfreesboro, Tennessee from taking such other lawful actions to prevent or remedy any violation.

## **ARTICLE IV.        ADMINISTRATION**

### **Section A.        Designation of Ordinance Administrator**

The Development Services Executive is hereby appointed as the Administrator to implement the provisions of this Ordinance.

### **Section B.        Permit Procedures**

Application for a development permit shall be made to the Administrator on forms furnished by the community prior to any development activities. The development permit may include, but is not limited to the following: plans in duplicate drawn to scale and showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, earthen fill placement, storage of materials or equipment, and drainage facilities. Specifically, the following information is required:

1.    Application stage
  - a.    Elevation in relation to mean sea level of the proposed lowest floor, including basement, of all buildings where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
  - b.    Elevation in relation to mean sea level to which any non-residential building will be floodproofed where Base Flood Elevations are available, or to certain height above the highest adjacent grade when applicable under this Ordinance.
  - c.    A FEMA Floodproofing Certificate from a Tennessee registered professional engineer or architect that the proposed non-residential floodproofed building will meet the floodproofing criteria in Article V, Sections A and B.
  - d.    Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.
  - e.    In order to determine if improvements or damage meet the Substantial Improvement or Substantial Damage criteria, the applicant shall provide to the Floodplain Administrator a detailed cost to repair all damages and/or cost of improvements which includes the complete costs associated with all types of work necessary to completely repair or improve a building. These include the costs of all materials, labor, and other items necessary to perform the proposed work. These must be in the form of:
    - An itemized costs of materials, and labor, or estimates of materials and labor that are prepared by licensed contractors or professional construction cost estimators
    - Building valuation tables published by building code organizations and cost-estimating manuals and tools available from professional building cost-estimating services.

- A qualified estimate of costs that is prepared by the local official using professional judgement and knowledge of local and regional construction costs.
- A detailed cost estimate provided and prepared by the building owner. This must include as much supporting documentation as possible (such as pricing information from lumber companies, plumbing and electrical suppliers, etc). In addition, the estimate must include the value of labor, including the value of the owner's labor.

2. Construction Stage

Within AE Zones, where Base Flood Elevation data is available, any lowest floor certification made relative to mean sea level shall be prepared by or under the direct supervision of, a Tennessee registered land surveyor and certified by same. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

Within approximate A Zones, where Base Flood Elevation data is not available, the elevation of the lowest floor shall be determined as the measurement of the lowest floor of the building relative to the highest adjacent grade. The Administrator shall record the elevation of the lowest floor on the development permit. When floodproofing is utilized for a non-residential building, said certification shall be prepared by, or under the direct supervision of, a Tennessee registered professional engineer or architect and certified by same.

For all new construction and substantial improvements, the permit holder shall provide to the Administrator an as-built certification of the lowest floor elevation or floodproofing level upon the completion of the lowest floor or floodproofing.

Any work undertaken prior to submission of the certification shall be at the permit holder's risk. The Administrator shall review the above-referenced certification data. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further work being allowed to proceed. Failure to submit the certification or failure to make said corrections required hereby, shall be cause to issue a stop-work order for the project.

3. Finished Construction Stage

A final Finished Construction Elevation Certificate is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Administrator will keep the certificate on file in perpetuity.

**Section C. Duties and Responsibilities of the Administrator**

Duties of the Administrator shall include, but not be limited to, the following:

1. Review all development permits to assure that the permit requirements of this Ordinance have been satisfied, and that proposed building sites will be reasonably safe from flooding.
2. Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334.
3. Notify adjacent communities and the Tennessee Emergency Management Agency, State NFIP Office, prior to any alteration or relocation of a watercourse and submit evidence of such notification to FEMA.
4. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to FEMA to ensure accuracy of community FIRM's through the Letter of Map Revision process.
5. Assure that the flood carrying capacity within an altered or relocated portion of any watercourse is maintained.
6. Record the elevation, in relation to mean sea level or the highest adjacent grade, where applicable, of the lowest floor (including basement) of all new and substantially improved buildings, in accordance with Article IV, Section B.
7. Record the actual elevation, in relation to mean sea level or the highest adjacent grade, where applicable to which the new and substantially improved buildings have been floodproofed, in accordance with Article IV, Section B.
8. When floodproofing is utilized for a nonresidential structure, obtain certification of design criteria from a Tennessee registered professional engineer or architect, in accordance with Article IV, Section B.
9. Where interpretation is needed as to the exact location of boundaries of the Areas of Special Flood Hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), make the necessary interpretation. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Ordinance.
10. When Base Flood Elevation data and floodway data have not been provided by FEMA, obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, State, or other sources, including data developed as a result of these regulations, as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the City of Murfreesboro, Tennessee FIRM meet the requirements of this Ordinance.
11. Maintain all records pertaining to the provisions of this Ordinance in the office of the Administrator and shall be open for public inspection. Permits issued under the provisions of this Ordinance shall be maintained in a separate file or marked for expedited retrieval within combined files.

12. A final Finished Construction Elevation Certificate (FEMA Form 086-0-33) is required after construction is completed and prior to Certificate of Compliance/Occupancy issuance. It shall be the duty of the permit holder to submit to the Floodplain Administrator a certification of final as-built construction of the elevation of the reference level and all attendant utilities. The Floodplain Administrator shall review the certificate data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to Certificate of Compliance/Occupancy issuance. In some instances, another certification may be required to certify corrected as-built construction. Failure to submit the certification or failure to make required corrections shall be cause to withhold the issuance of a Certificate of Compliance/Occupancy. The Finished Construction Elevation Certificate certifier shall provide at least 2 photographs showing the front and rear of the building taken within 90 days from the date of certification. The photographs must be taken with views confirming the building description and diagram number provided in Section A. To the extent possible, these photographs should show the entire building including foundation. If the building has split-level or multi-level areas, provide at least 2 additional photographs showing side views of the building. In addition, when applicable, provide a photograph of the foundation showing a representative example of the flood openings or vents. All photographs must be in color and measure at least 3" × 3". Digital photographs are acceptable.

## **ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION**

### **Section A. General Standards**

In all flood prone areas, the following provisions are required:

1. New construction and substantial improvements shall be anchored to prevent flotation, collapse and lateral movement of the structure;
2. Manufactured homes shall be installed using methods and practices that minimize flood damage. They must be elevated and anchored to prevent flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State of Tennessee and local anchoring requirements for resisting wind forces.
3. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;
4. New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;
5. All electrical, heating, ventilation, plumbing, air conditioning equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;
6. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

7. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
8. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;
9. Any alteration, repair, reconstruction or improvements to a building that is in compliance with the provisions of this Ordinance, shall meet the requirements of "new construction" as contained in this Ordinance;
10. Any alteration, repair, reconstruction or improvements to a building that is not in compliance with the provision of this Ordinance, shall be undertaken only if said non-conformity is not further extended or replaced;
11. All new construction and substantial improvement proposals shall provide copies of all necessary Federal and State permits, including Section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. 1334;
12. All subdivision proposals and other proposed new development proposals shall meet the standards of Article V, Section B;
13. When proposed new construction and substantial improvements are partially located in an area of special flood hazard, the entire structure shall meet the standards for new construction;
14. When proposed new construction and substantial improvements are located in multiple flood hazard risk zones or in a flood hazard risk zone with multiple Base Flood Elevations, the entire structure shall meet the standards for the most hazardous flood hazard risk zone and the highest Base Flood Elevation.

## **Section B. Specific Standards**

In all Areas of Special Flood Hazard, the following provisions, in addition to those set forth in Article V, Section A, are required:

### **1. Residential Structures**

In AE Zones where Base Flood Elevation data is available, new construction and substantial improvement of any residential building (or manufactured home) shall have the lowest floor, including basement, elevated to no lower than one (1) foot above the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: "Enclosures".

Within approximate A Zones where Base Flood Elevations have not been established and where alternative data is not available, the administrator shall require the lowest floor of a building to be elevated to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to



facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

2. Non-Residential Structures

In AE Zones, where Base Flood Elevation data is available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than one (1) foot above the level of the Base Flood Elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

In approximate A Zones, where Base Flood Elevations have not been established and where alternative data is not available, new construction and substantial improvement of any commercial, industrial, or non-residential building, shall have the lowest floor, including basement, elevated or floodproofed to no lower than three (3) feet above the highest adjacent grade (as defined in Article II). Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate equalization of flood hydrostatic forces on both sides of exterior walls shall be provided in accordance with the standards of this section: “Enclosures”

Non-Residential buildings located in all A Zones may be floodproofed, in lieu of being elevated, provided that all areas of the building below the required elevation are watertight, with walls substantially impermeable to the passage of water, and are built with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A Tennessee registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Administrator as set forth in Article IV, Section B.

3. Enclosures

All new construction and substantial improvements that include fully enclosed areas formed by foundation and other exterior walls below the lowest floor that are subject to flooding, shall be designed to preclude finished living space and designed to allow for the entry and exit of flood waters to automatically equalize hydrostatic flood forces on exterior walls.

- a. Designs for complying with this requirement must either be certified by a Tennessee professional engineer or architect or meet or exceed the following minimum criteria.
  - 1) Provide a minimum of two openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;
  - 2) The bottom of all openings shall be no higher than one (1) foot above the finished grade;

- 3) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- b. The enclosed area shall be the minimum necessary to allow for parking of vehicles, storage or building access.
- c. The interior portion of such enclosed area shall not be finished or partitioned into separate rooms in such a way as to impede the movement of floodwaters and all such partitions shall comply with the provisions of Article V, Section B.

4. Standards for Manufactured Homes and Recreational Vehicles

- a. All manufactured homes placed, or substantially improved, on: (1) individual lots or parcels, (2) in expansions to existing manufactured home parks or subdivisions, or (3) in new or substantially improved manufactured home parks or subdivisions, must meet all the requirements of new construction.
- b. All manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that either:
  - 1) In AE Zones, with Base Flood Elevations, the lowest floor of the manufactured home is elevated on a permanent foundation to no lower than one (1) foot above the level of the Base Flood Elevation or
  - 2) In approximate A Zones, without Base Flood Elevations, the manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least equivalent strength) that are at least three (3) feet in height above the highest adjacent grade (as defined in Article II).
- c. Any manufactured home, which has incurred “substantial damage” as the result of a flood, must meet the standards of Article V, Sections A and B.
- d. All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- e. All recreational vehicles placed in an identified Special Flood Hazard Area must either:
  - 1) Be on the site for fewer than 180 consecutive days;
  - 2) Be fully licensed and ready for highway use (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions), or;
  - 3) The recreational vehicle must meet all the requirements for new construction.

5. Standards for Subdivisions and Other Proposed New Development Proposals

Subdivisions and other proposed new developments, including manufactured home parks, shall be reviewed to determine whether such proposals will be reasonably safe from flooding.

- a. All subdivision and other proposed new development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and other proposed new development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.
- c. All subdivision and other proposed new development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. In all approximate A Zones require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data (See Article V, Section E).

**Section C. Standards for Special Flood Hazard Areas with Established Base Flood Elevations and With Floodways Designated**

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as floodways. A floodway may be an extremely hazardous area due to the velocity of floodwaters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights and velocities. Therefore, the following provisions shall apply:

1. Encroachments are prohibited, including fill, new construction, substantial improvements or other development within the adopted regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof;
2. If the analyses demonstrate that the proposed activities will result in an increase in the *base flood elevation, floodway width or base flood discharge*, the applicant first applies for a Conditional Letter of Map Revision (CLOMR) and a Letter of Map Revision (LOMR) from FEMA upon completion of the project. Submittal requirements and fees shall be the responsibility of the applicant as established under the provisions of § 65.12.
3. ONLY if Article V, Section C, provisions (1) through (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article V, Sections A and B.

**Section D. Standards for Areas of Special Flood Hazard Zones AE with Established Base Flood Elevations but Without Floodways Designated**

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist with base flood data provided but where no floodways have been designated (Zones AE), the following provisions apply:

1. Require until a regulatory floodway is designated, that no new construction, substantial, or other development, including fill shall be permitted within Zone AE on the community's FIRM, unless it is demonstrated through hydrologic and hydraulic analyses performed that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.
2. A community may permit encroachments within Zones AE on the community's FIRM, that would result in an increase in the water surface elevation of the base flood, provided that the applicant first applies for a Conditional Letter of Map Revision (CLOMR) and floodway and a Letter of Map Revision (LOMR) from FEMA upon completion of the project. Submittal requirements and fees shall be the responsibility of the applicant as established under the provisions of § 65.12.
3. ONLY if Article V, Section D, provisions (1) through (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article V, Sections A and B.

**Section E. Standards for Streams without Established Base Flood Elevations and Floodways (A Zones)**

Located within the Special Flood Hazard Areas established in Article III, Section B, where streams exist, but no base flood data has been provided and where a Floodway has not been delineated, the following provisions shall apply:

1. The Administrator shall obtain, review, and reasonably utilize any Base Flood Elevation and floodway data available from any Federal, State, or other sources, including data developed as a result of these regulations (see 2 below), as criteria for requiring that new construction, substantial improvements, or other development in approximate A Zones meet the requirements of Article V, Sections A and B.
2. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals Base Flood Elevation data.
3. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, require the lowest floor of a building to be elevated or floodproofed to a level of at least three (3) feet above the highest adjacent grade (as defined in Article II). All applicable data including elevations or floodproofing certifications shall be recorded as set forth in Article IV, Section B. Openings sufficient to facilitate automatic

equalization of hydrostatic flood forces on exterior walls shall be provided in accordance with the standards of Article V, Section B.

4. Within approximate A Zones, where Base Flood Elevations have not been established and where such data is not available from other sources, no encroachments, including structures or fill material, shall be located within an area equal to the width of the stream or twenty feet (20), whichever is greater, measured from the top of the stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the City of Murfreesboro, Tennessee. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.
5. New construction and substantial improvements of buildings, where permitted, shall comply with all applicable flood hazard reduction provisions of Article V, Sections A and B. Within approximate A Zones, require that those subsections of Article V Section B dealing with the alteration or relocation of a watercourse, assuring watercourse carrying capacities are maintained and manufactured homes provisions are complied with as required.

**Section F. Standards For Areas of Shallow Flooding (Zone AO)**

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one (1) to three (3) feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. In addition to Article V, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

1. The lowest floor (including basement) shall be elevated at least as high as the depth number specified on the Flood Insurance Rate Map (FIRM), in feet, plus a freeboard of one (1) foot above the highest adjacent grade; or at least three (3) feet above the highest adjacent grade, if no depth number is specified.
2. Non-residential structures may, in lieu of elevation, be floodproofed to the same level as required in Article V, Section F(1) so that the structure, together with attendant utility and sanitary facilities, below that level shall be watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Certification is required in accordance with Article 4, Section B(1) (c) and Article V, Section B(2).
3. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

**Section G. Standards For Areas of Shallow Flooding (Zone AH)**

Located within the Special Flood Hazard Areas established in Article III, Section B, are areas designated as shallow flooding areas. These areas are subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are one (1) to three (3) feet. Base Flood Elevations are derived from detailed hydraulic analyses are shown in this zone. In addition to meeting the requirements of Article V, Sections A and B, all new construction and substantial improvements shall meet the following requirements:

1. Adequate drainage paths shall be provided around structures on slopes, to guide floodwaters around and away from proposed structures.

#### **Section H. Standards For Areas Protected by Flood Protection System (A-99 Zones)**

Located within the Areas of Special Flood Hazard established in Article III, Section B, are areas of the 100-year floodplain protected by a flood protection system but where Base Flood Elevations have not been determined. Within these areas (A-99 Zones) all provisions of Article IV and Article V shall apply.

#### **Section I. Standards for Unmapped Streams**

Located within the City of Murfreesboro, Tennessee, are unmapped streams where areas of special flood hazard are neither indicated nor identified. Adjacent to such streams, the following provisions shall apply:

1. No encroachments including fill material or other development including structures shall be located within an area of at least equal to twice the width of the stream, measured from the top of each stream bank, unless certification by a Tennessee registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the Murfreesboro.
2. When a new flood hazard risk zone, and Base Flood Elevation and floodway data is available, new construction and substantial improvements shall meet the standards established in accordance with Articles IV and V.
3. ONLY if Article V, Section I, provisions (1) and (2) are satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of Article V, Sections A and B.

#### **Section J. Standards for X Zones (Shaded/Unshaded)**

These areas are considered to be low to moderate risk flood zones and are located outside the City's delineated special flood hazard area and include the following:

1. Areas outside the one percent chance flood zone, but within the 0.2 percent chance flood zone, as determined by a detailed study.

2. Areas outside the 0.2 percent chance flood zone as determined by a detailed study, and;
3. Areas that have not yet been studied.

The City reserves the right to require further studies for any development within its jurisdiction, if there is evidence that a potential flood hazard exists. Studies can be used to designate community flood hazard areas. Such evidence may include but shall not be limited to:

1. Eyewitness reports of historic flooding or other reports of historic flooding deemed credible by the community;
2. Geologic features observed that resemble floodplains (such as flat areas along streams);
3. Proximity to manmade or natural constrictions such as road crossings that can cause backwater effects, and;
4. Drainage basin characteristics such as drainage area, slope, percent impervious cover, land use, etc.

#### **Section K. Standards for Community Identified Flood Hazard Areas**

Located within the City of Murfreesboro, Tennessee are areas of flood risk outside of the area identified on the Flood Insurance Rate Map (FIRM). These areas may include but shall not be limited to closed depressions, critical lots, basins covered by a local study, and areas along unmapped drainage ways or streams. For areas identified as a local flood hazard as delineated and adopted on the “Local Hazard Map”, the following provisions shall apply:

1. Developments located adjacent to or within closed depressions shall not place fill within the limits of the closed depression without compensatory storage. The volume of the loss of floodwater storage due to filling in the community identified flood hazard area shall be offset by providing an equal volume of flood storage by excavation at or adjacent to the development site. The applicant shall provide volumetric calculations demonstrating compensatory storage or demonstrate that no adverse conditions to adjacent properties will occur.
2. A high water elevation shall be established for the closed depression based on engineering analysis, historical data, and/or observations of topographic features;
3. Flood protection elevations above the high water elevation shall be established through concurrence of an engineering representing the development (if required), the City Engineer, and the Administrator to achieve the flood hazard reduction criteria of this regulation prior to construction.

#### **Section L. Standards for Critical Facilities**

Construction of new or substantially improved critical facilities shall be, to the maximum extent possible, located outside the limits of the special flood hazard area (SFHA). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated two feet above the base flood elevation or 500-year flood elevation whichever is higher. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or

released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the maximum extent possible.

## **ARTICLE VI. VARIANCE PROCEDURES**

### **Section A. Municipal Board of Zoning Appeals**

1. Authority

The City of Murfreesboro, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

2. Procedure

Meetings of the Municipal Board of Zoning Appeals shall be held at such times, as the Board shall determine. All meetings of the Municipal Board of Zoning Appeals shall be open to the public. The Municipal Board of Zoning Appeals shall adopt rules of procedure and shall keep records of applications and actions thereof, which shall be a public record. Compensation of the members of the Municipal Board of Zoning Appeals shall be set by the Councilmembers.

3. Appeals: How Taken

An appeal to the Municipal Board of Zoning Appeals may be taken by any person, firm or corporation aggrieved or by any governmental officer, department, or bureau affected by any decision of the Administrator based in whole or in part upon the provisions of this Ordinance. Such appeal shall be taken by filing with the Municipal Board of Zoning Appeals a notice of appeal, specifying the grounds thereof. In all cases where an appeal is made by a property owner or other interested party, a fee in the amount adopted and as amended from the City Council for the cost of publishing a notice of such hearings shall be paid by the appellant. The Administrator shall transmit to the Municipal Board of Zoning Appeals all papers constituting the record upon which the appeal action was taken. The Municipal Board of Zoning Appeals shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to parties in interest and decide the same within a reasonable time which shall not be more than thirty five days from the date of the hearing. At the hearing, any person or party may appear and be heard in person or by agent or by attorney.

4. Powers

The Municipal Board of Zoning Appeals shall have the following powers:

a. Administrative Review

To hear and decide appeals where it is alleged by the applicant that there is error in any order, requirement, permit, decision, determination, or refusal made by the Administrator or other administrative official in carrying out or enforcement of any provisions of this Ordinance.



b. Variance Procedures

In the case of a request for a variance the following shall apply:

- 1) The City of Murfreesboro, Tennessee Municipal Board of Zoning Appeals shall hear and decide appeals and requests for variances from the requirements of this Ordinance.
- 2) Variances may be issued for the repair or rehabilitation of historic structures as defined, herein, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary deviation from the requirements of this Ordinance to preserve the historic character and design of the structure.
- 3) In passing upon such applications, the Municipal Board of Zoning Appeals shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this Ordinance, and:
  - a) The danger that materials may be swept onto other property to the injury of others;
  - b) The danger to life and property due to flooding or erosion;
  - c) The susceptibility of the proposed facility and its contents to flood damage;
  - d) The importance of the services provided by the proposed facility to the community;
  - e) The necessity of the facility to a waterfront location, in the case of a functionally dependent use;
  - f) The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
  - g) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
  - h) The safety of access to the property in times of flood for ordinary and emergency vehicles;
  - i) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site;
  - j) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, and streets and bridges.

- 4) Upon consideration of the factors listed above, and the purposes of this Ordinance, the Municipal Board of Zoning Appeals may attach such conditions to the granting of variances, as it deems necessary to effectuate the purposes of this Ordinance.
- 5) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

**Section B. Conditions for Variances**

1. Variances shall be issued upon a determination that the variance is the minimum relief necessary, considering the flood hazard and the factors listed in Article VI, Section A.
2. Variances shall only be issued upon: a showing of good and sufficient cause, a determination that failure to grant the variance would result in exceptional hardship; or a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public, or conflict with existing local laws or Ordinances.
3. Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance (as high as \$25 for \$100) coverage, and that such construction below the Base Flood Elevation increases risks to life and property.
4. The Administrator shall maintain the records of all appeal actions and report any variances to FEMA upon request.

**ARTICLE VII. LEGAL STATUS PROVISIONS**

**Section A. Conflict with Other Ordinances**

In case of conflict between this Ordinance or any part thereof, and the whole or part of any existing or future Ordinance of the City of Murfreesboro, Tennessee, the most restrictive shall in all cases apply.

**Section B. Severability**

If any section, clause, provision, or portion of this Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of this Ordinance which is not of itself invalid or unconstitutional.

**Section C. Effective Date**

This Ordinance shall become effective on May 9, 2023, in accordance with the Charter of the City of Murfreesboro, Tennessee, and the public welfare demanding it.

Approved and adopted by the City of Murfreesboro, Tennessee, Mayor and the Murfreesboro Councilmembers.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Mayor of Murfreesboro, Tennessee

Attest: \_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Date of Public Hearing

1st Reading \_\_\_\_\_

2nd Reading \_\_\_\_\_

3rd Reading \_\_\_\_\_

\_\_\_\_\_  
Date of Publication of  
Caption and Summary

DRAFT

**MURFREESBORO PLANNING COMMISSION  
STAFF COMMENTS, PAGE 1  
FEBRUARY 1, 2023**

**PROJECT PLANNER, MARINA RUSH**

**4.c. Annexation petition and plan of services [2023-501] for approximately 146 acres located along Highway 99 south of Clearidge Drive, City of Murfreesboro applicant.**

The proposed annexation and study area is a total of 146 acres and includes a 3,600 linear feet segment of Highway 99 right-of-way (ROW) and the properties developed with the Rockvale Elementary School and the Rockvale Middle and High Schools, as described below and depicted on the attached maps.

1. Highway 99 ROW (0.68 mile): approximately 3,600 linear feet extending from the City limit at Highway 99, located south of Gladstone Lane, extending to the southwest. The City contacted the Tennessee Department of Transportation regarding this annexation of TDOT-owned ROW and they have responded with “no objection” to the proposal.
2. Tax Map 123, Parcel 01600 (45 acres): currently developed with Rockvale Elementary School. Also, the Rutherford County public safety building is under development on this property.
3. Tax Map 123, part of Parcel 01800 (approximately 89 acres): portion of the property currently developed with Rockvale Middle and Rockvale High Schools.

The annexation study area is contiguous to the City limit at Highway 99 ROW at the north end of the study area. The annexation study area that is located within the City’s Urban Growth Boundary (UGB) includes the Highway 99 ROW segment and the property with the Rockvale Middle and High Schools (part of Parcel 01800 of Tax Map 123). The property developed with the Rockvale Elementary School is located outside the City’s UGB, but it can be annexed when the property ownership is the same as the one within the UGB.

In addition, the City is proposing an update to the Murfreesboro 2035 Comprehensive Plan Chapter 4 - Future Land Use Map and text, and this update proposes a “Service Infill Line” to help facilitate growth and development in the City in an orderly, planned, and sustainable manner and to help plan for future City services. The Highway 99 ROW is within the proposed Service Infill area and the two properties developed with the schools are not

within this Service Infill area. If this annexation is approved, the proposed FLUM will be adjusted to incorporate the study areas.

### **Plan of Services**

Staff has prepared an annexation study and plan of services (POS) for the proposed study area, as described above. The POS provides detailed information regarding each of the City services and is attached to this staff report for reference. The POS demonstrates that City services can be provided to the subject property, although it would impact the City for some services, including those pertaining to Highway 99. Maintenance of the Highway 99 ROW will become the responsibility of the City, per contract with TDoT. In addition, operational improvements of the Highway 99 ROW segment to improve the traffic congestion will become the responsibility of the City of Murfreesboro.

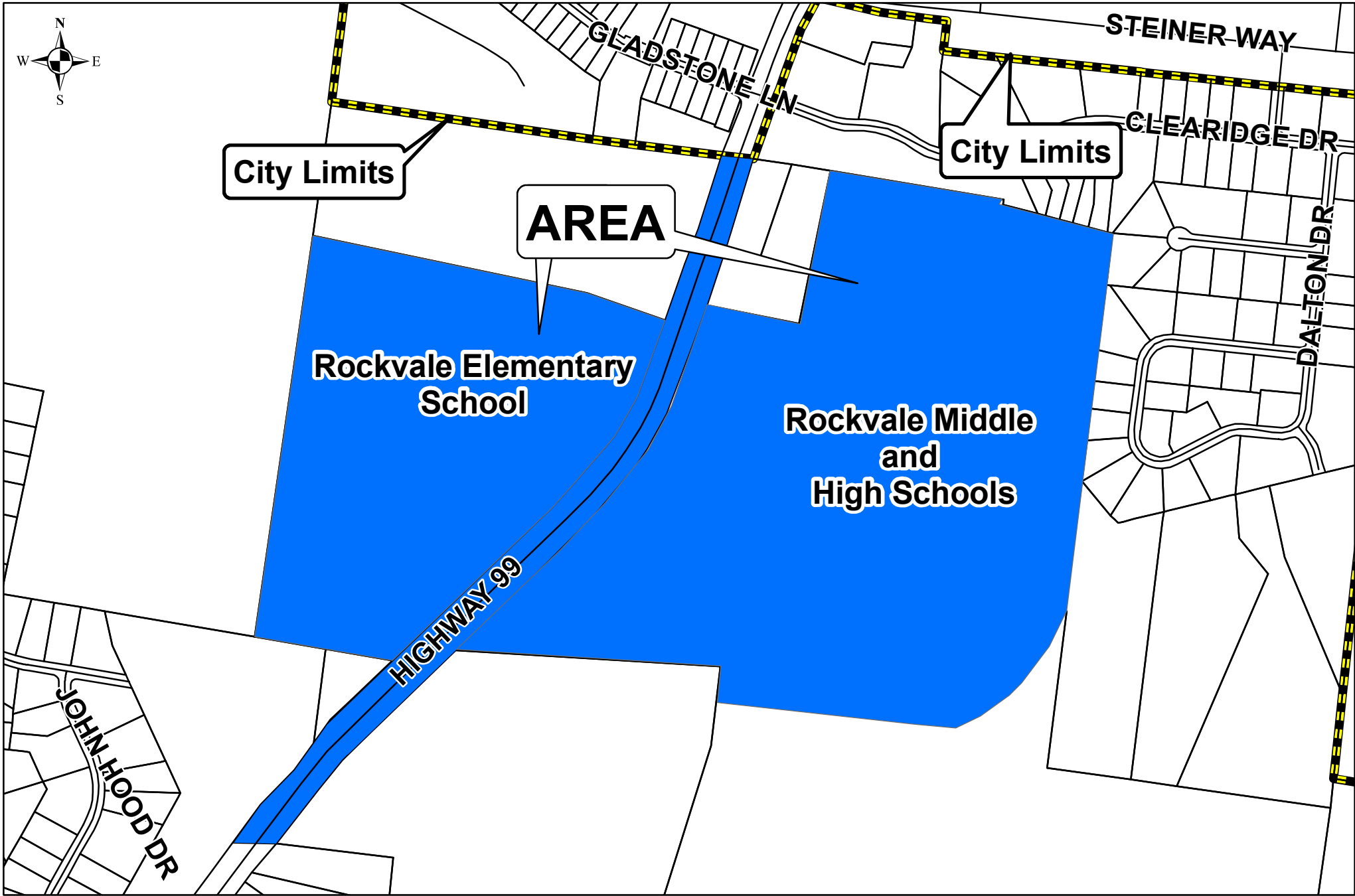
### **Staff Recommendations:**

Staff recommends approval of the annexation based on the following reasons:

- a. Study area is contiguous with the existing City limits.
- b. City services can be provided to the subject property upon annexation:
- c. Rockvale Elementary, Middle and High School properties are already served by City sewer as outside the City sewer customers.
- d. This annexation would make the Ferrari property annexation contiguous with the City limits, eliminating the need for a non-contiguous annexation Inter Agency Agreement.

### **Action Needed:**

The Planning Commission will need to conduct a public hearing and then discuss the matter, after which it will need to formulate a recommendation for the City Council.



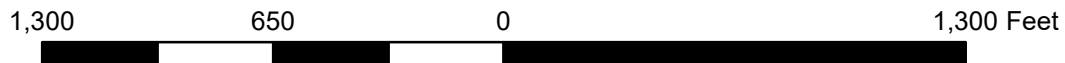
## Annexation Request for property along Highway 99



Planning Department  
 City of Murfreesboro  
 111 West Vine St  
 Murfreesboro, TN 37130  
[www.murfreesborotn.gov](http://www.murfreesborotn.gov)



# Annexation Request for property along Highway 99



Planning Department  
 City of Murfreesboro  
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 Murfreesboro, TN 37130  
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**ANNEXATION REPORT FOR PROPERTY LOCATED ALONG  
HIGHWAY 99 AND HIGHWAY 99 RIGHT-OF-WAY  
INCLUDING PLAN OF SERVICES  
(FILE 2023-501)**

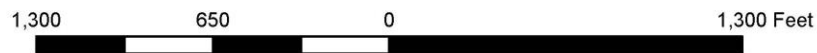


**PREPARED FOR THE  
MURFREESBORO PLANNING COMMISSION  
FEBRUARY 1, 2023**





## Annexation Request for property along Highway 99



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# INTRODUCTION

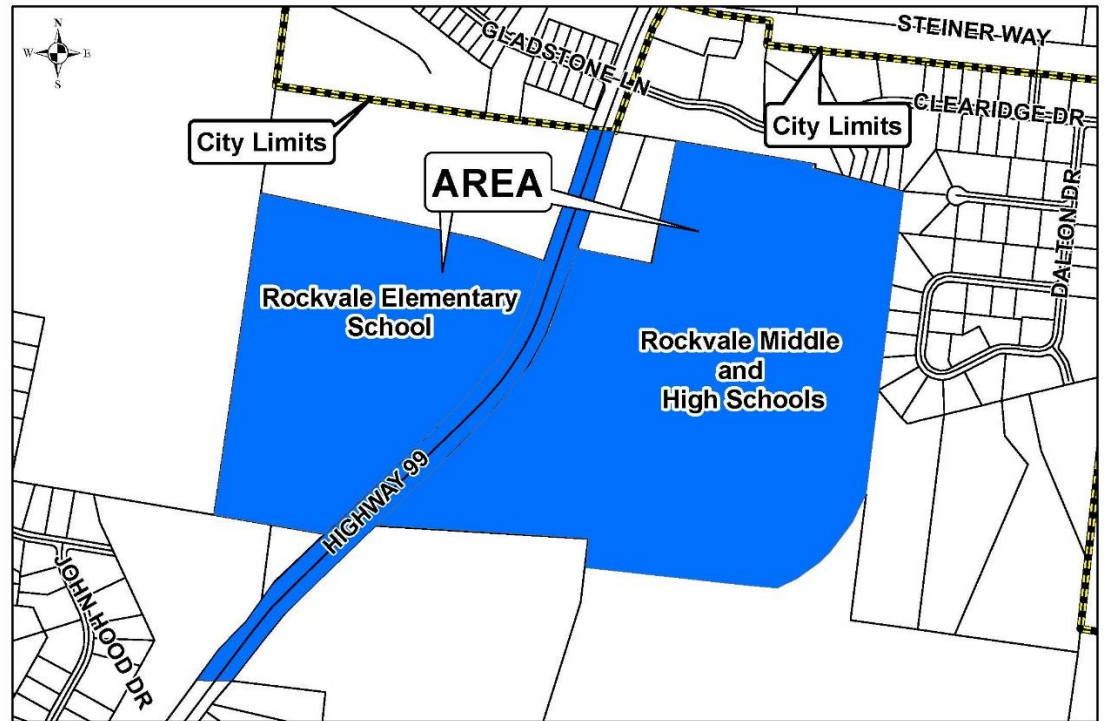
## OVERVIEW

The proposed annexation and study area is a total of 146 acres. It includes approximately 0.68 mile of Highway 99 right-of-way (ROW), south of Clearidge Drive, and the Rockvale Elementary School located along the northwest side of the Hwy 99 ROW and Rockvale Middle and High Schools located along the southeast side of the Highway 99 ROW.

1. Segment of Highway 99 right-of-way (ROW), approximately 3,600 linear feet (12.0 acres). This segment of Highway 99 ROW extends from the current city limit line, located south of Gladstone Lane, to the southwest.
2. Tax Map 123, Parcel 01600 (45 acres)
3. Tax Map 123, portion of Parcel 01800 (approximately 89 acres)

The annexation study area is contiguous to the City limit at Highway 99 ROW at the north end of the study area. The annexation study area located within the City's Urban Growth Boundary (UGB) includes the segment of the Highway 99 ROW and the portion of Parcel 01800 of Tax Map 123 (Rockvale Middle and High Schools). A portion of the annexation study area is located outside the City's UGB; Parcel 01600 of Tax Map 123, which is

developed with the Rockvale Elementary School.



### Annexation Request for property along Highway 99

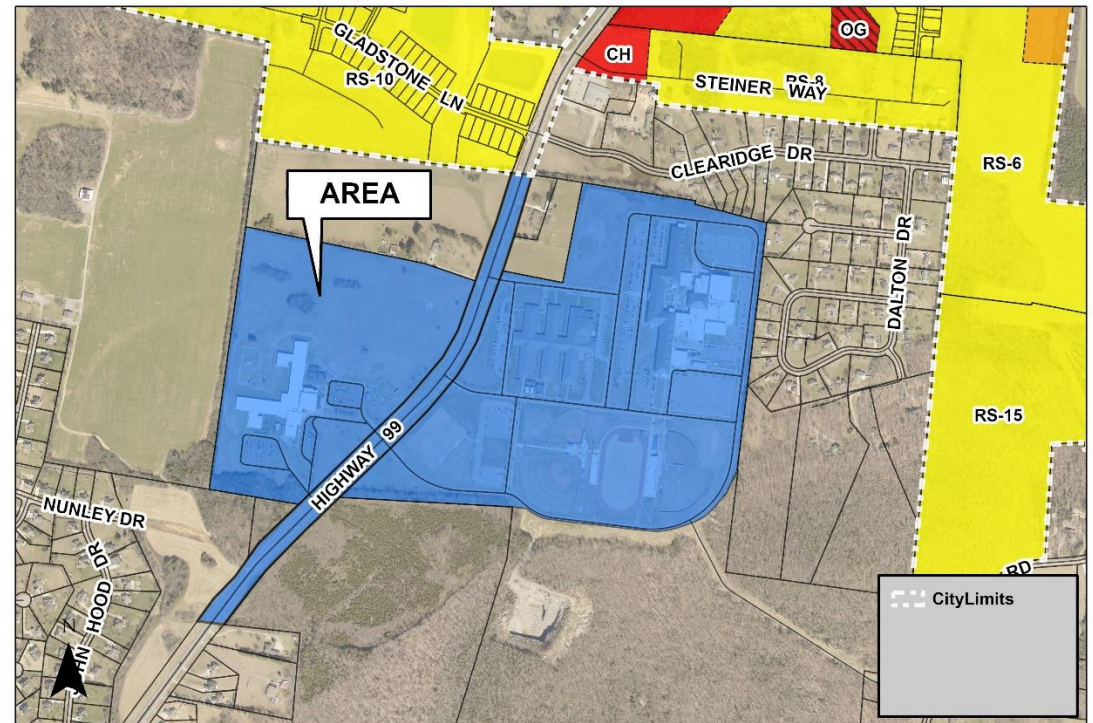
1,300 650 0 1,300 Feet

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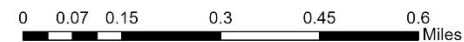
## CITY ZONING

The adjacent zoning on the properties to the south, west and east are Medium Density Residential (RM) in Rutherford County. The properties to the northwest are zoned Single Family Residential (RS-10) and to the northeast zoned RS-6, RS-8, and RS-15.

The Retreat at Pinnacle Hills to the east of the property is zoned Planned Unit Development (PUD) in Rutherford County. The Carlton Landing subdivision, located northwest of the property, is in the City of Murfreesboro.



Annexation request for property along Highway 99

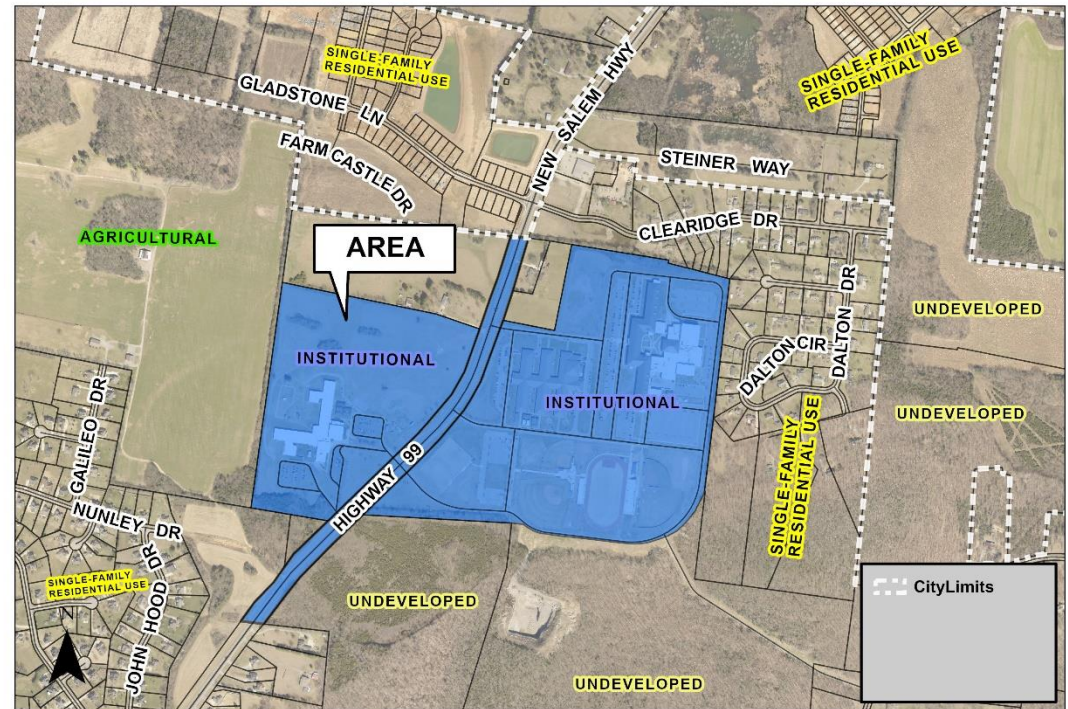


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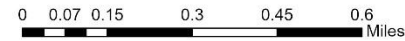
## PRESENT AND SURROUNDING LAND USE

The study area is approximately 146 acres and includes a 0.68 mile, or 3,600 linear feet, segment of Highway 99 ROW, Rockvale Elementary School property with Rutherford County public safety building (under construction), and Rockvale Middle and High School property. The study area is surrounded by a mixture of residential subdivisions located in Rutherford County unincorporated.

The Carlton Landing subdivision, located northwest of the property, is in the City of Murfreesboro and is zoned RS-10. The properties directly to the east and west are undeveloped lots and single family detached subdivisions within the unincorporated land of Rutherford County. The properties to the south are undeveloped large lots.



Annexation request for property along Highway 99



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# **PLAN OF SERVICES**

## **POLICE PROTECTION**

At present, the study area receives police service through the Rutherford County Sheriff's Department. If annexed, the Murfreesboro Police Department can begin providing services such as patrol, criminal investigation, community policing, traffic operations, canine, DARE and other community crime prevention programs to the subject property immediately upon the effective date of annexation.

This property borders Police Zone #2. If annexed, the property would be added to Zone #2.

The annexation of the Highway 99 ROW will increase the demand upon police services for traffic related incidents, enforcement, and complaints. The study area has potential for traffic congestion due to the three Rockvale Schools within close proximity to each other. Also, the current city limit boundary in this area is the one furthest from Police Headquarters and this addition will extend the boundary by approximately 3/4 mile.

Rutherford County Sheriff's Office provides School Resource Officers and School Crossing Guards to County Schools and it is presumed that this annexation request will not have any additional need for School Resource Officers or

School Crossing Guards provided by the Murfreesboro Police Department.

## **ELECTRIC SERVICE**

Middle Tennessee Electric (MTE) currently provides service to the properties. Any new electrical infrastructure installed will be required to adhere to MTE standards.

## **STREET LIGHTING**

There are no streetlights along the segment of Highway 99 adjacent to the study area. No new street lighting is anticipated with this annexation. However, if the City determines that streetlights are necessary along the subject ROW, MTE has the ability to install streetlights upon request by the City of Murfreesboro.

## **SOLID WASTE COLLECTION**

The annexation is for Highway 99 ROW and two properties developed with Rutherford County public schools. The annexation will not have an impact on the City Solid Waste Department as these sites are served by Rutherford County Solid Waste.

## **RECREATION**

The annexation is for Highway 99 ROW and two properties developed with Rutherford County public schools. The annexation will not have an impact on the City Recreation Department.

## **CITY SCHOOLS**

The annexation is for Highway 99 ROW and two properties developed with Rutherford County public schools. This annexation will not have an impact on Murfreesboro City Schools.

## **BUILDING AND CODES**

The annexation is for Highway 99 ROW and two properties developed with Rutherford County public schools. The City's Building and Codes Department can begin issuing building and construction permits and enforcing the codes and inspecting new construction for compliance with the City's construction codes immediately upon the effective date of annexation. The Building and Codes Department will also ensure that any new signs associated with the development of the property comply with the Sign Ordinance. No additional costs are expected.

## **PLANNING, ENGINEERING, AND ZONING SERVICES**

The property will come within the City's jurisdiction for planning and engineering code enforcement immediately upon the effective date of annexation. The annexation is for Highway 99 ROW and two properties developed with Rutherford County public schools. The City Engineering Department will be responsible for reviewing new connections to the subject ROW.

## **GEOGRAPHIC INFORMATION SYSTEMS**

The property is within the area photographed and digitized as part of the City's Geographic Information Systems (G.I.S.) program.

## **STREETS AND ACCESS**

The annexation study area has access to existing Highway 99 and includes approximately 3,600 linear feet of Highway 99 ROW. There are three County Schools in the study area that use Highway 99 as their primary access. Upon annexation, routine maintenance (ROW mowing, litter pickup, snow removal, and pavement maintenance) of Highway 99 will become the responsibility of the City of Murfreesboro under contract to TDoT. Based on the State Maintenance Contract, routine ROW mowing and litter clean up, annualized roadway maintenance reimbursements from TDoT are estimated at \$1,600 for this roadway.

New connections to Highway 99 must be approved by TDoT and the City Engineer. Any development along Highway 99 should consider the Major Transportation Plan. Any future public roadway facilities to serve the study area must be constructed to City standards.

## **REGIONAL TRAFFIC & TRANSPORTION**

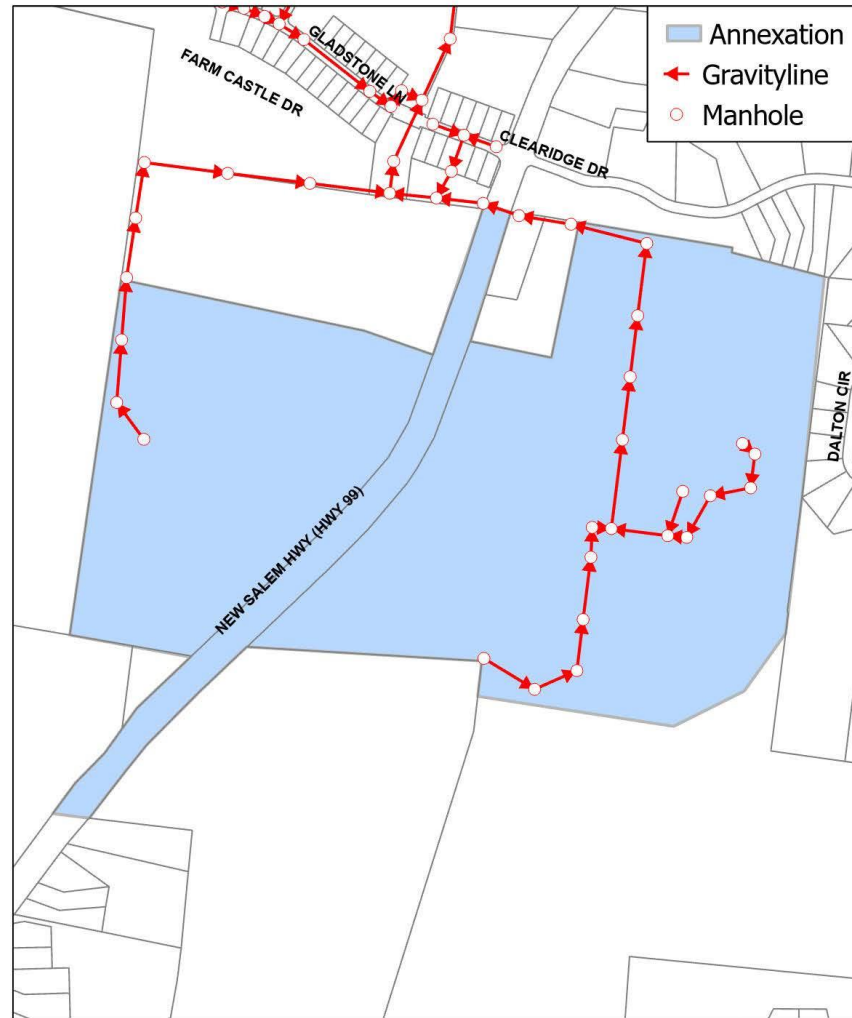
The study area is currently served by Highway 99 as the major roadway facility. The 2014 Level of Service Model in the 2040 Major Transportation Plan (MTP) indicates that Highway 99 is operating at a Level of Service B in the study area based on average daily traffic (ADT). The 2040 Level of Service Model shows that Highway 99 falls to an undesirable level of service of D without the proposed improvements recommended in the 2040 MTP.

Any new connections to Highway 99 must be approved by TDOT and the City Engineer. Any future public roadway facilities to serve the study area must be constructed to City standards.



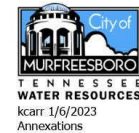
## **SANITARY SEWER SERVICE**

The annexation is for Highway 99 ROW and two properties developed with Rutherford County public schools. Murfreesboro Water Resources Department's (MWRD) current definition of "available" is defined as gravity sanitary sewer that is adjacent to the property line within an easement or in a public ROW. Sanitary sewer is currently "available to the study area, as the study area is currently served by a connection to the existing sewer. The annexation will not have an impact on the MWRD.



MURFREESBORO WATER RESOURCES DEPARTMENT

### **Annexation Request Highway 99**



## WATER SERVICE

The study area is located within Consolidated Utility District of Rutherford County's (CUDRC) service area. A 12-inch ductile iron water main (DIP) is located along Highway 99 along the frontage of the study area. An existing 10-inch water main is located along the private road for Tax Map 123 Parcel 18.00 (Rockvale Middle School and High School property), and existing 8-inch water main is located along the private road for Tax Map 123 Parcel 16.00 (Rockvale Elementary School), as illustrated in this exhibit. These facilities currently serve the subject property. Any further development of the property would be subject to the owner(s) submitting an updated Water Availability Application to determine feasibility and to complete CUD's Developer Packet through CUD's Engineering Department prior to entering the construction phase. Any new water line development must be done in accordance with CUD's development policies and procedures.

Hwy. 99 Annexation Request Map 123 Parcels 16.00, 18.00



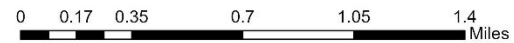
## FIRE AND EMERGENCY SERVICE

The annexation is for Highway 99 ROW and two properties developed with Rutherford County public schools. The annexation will have minimal impact on the Murfreesboro Fire and Rescue Department (MFRD). MFRD will provide emergency first responder services and fire protection to the subject properties and ROW immediately upon annexation.

Currently the study area is located 2.6 miles from Fire Station #10 (2563 Veterans Parkway) and 6.0 miles from Fire Station #9 (802 Cason Lane). The yellow line on the adjacent map represents the linear distance range from the nearest fire station.



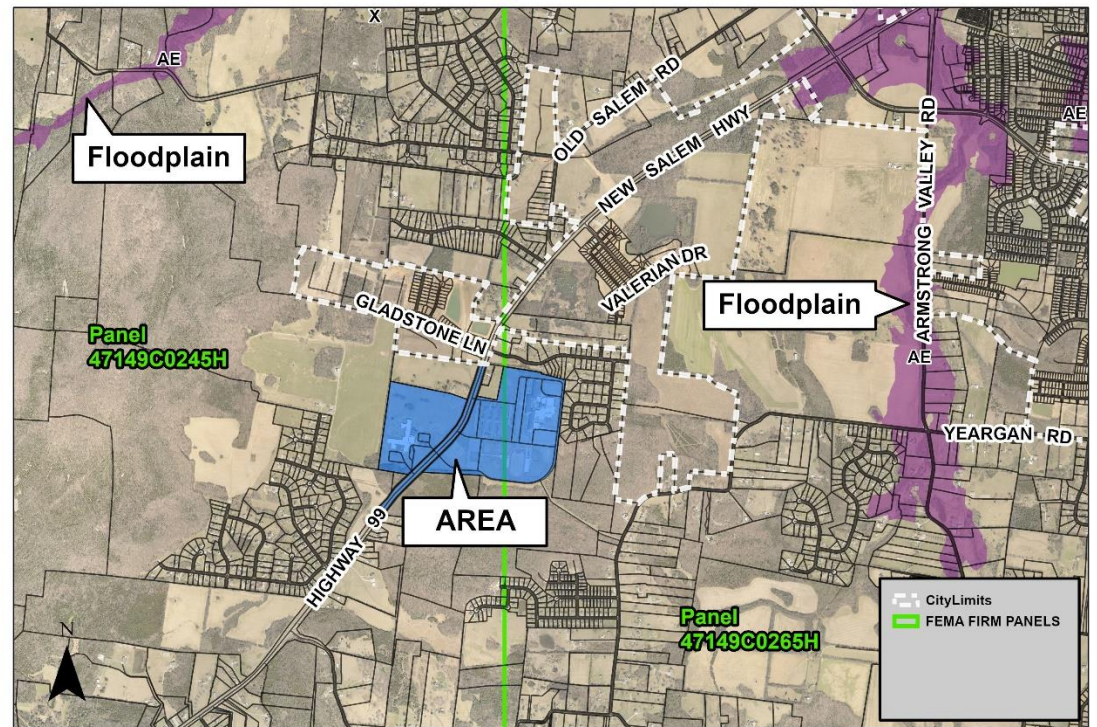
Annexation request for property along Highway 99



Planning Department  
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## FLOODWAY

The study area is not located within a floodway or 100-year floodplain as delineated on the Flood Insurance Rate Maps (FIRM) developed by the Federal Emergency Management Agency (FEMA). The nearest floodplain is the Armstrong Branch floodplain, located approximately 1.5 miles east of the study area and depicted on the adjacent map in purple.



Annexation request for property along Highway 99



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## DRAINAGE

### Public Drainage System

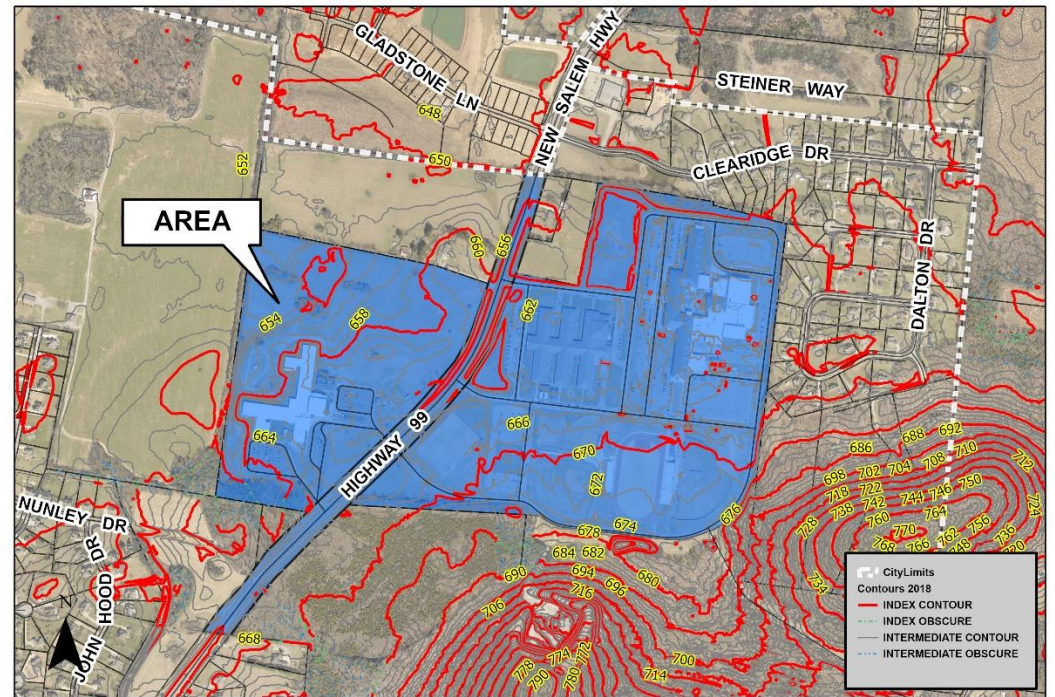
Public drainage facilities available in the general area include facilities in Highway 99. This drainage system is the responsibility of TDOT for routine maintenance. No additional public drainage systems are in the study area. Any new public drainage facilities proposed to serve the study area in the future must meet City standards.

### Regional Drainage Conditions

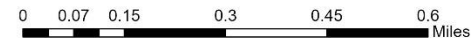
A review of the regional drainage patterns indicates both school properties drain to the existing detention ponds located on the properties.

### Stormwater Management and Utility Fees

Upon annexation, stormwater management services provided by the City of Murfreesboro will be available to the study area. The study area is currently developed with Rutherford County schools and will not generate any revenue for the Stormwater Utility Fee. The red lines on the adjacent map represent ten-foot contours. The grey lines represent two-foot intervals.



Annexation request for property along Highway 99



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### **PROPERTY AND DEVELOPMENT**

New development on the property must meet overall City of Murfreesboro Stormwater Quality requirements. Highway 99 is on the City's Major Transportation Plan and is proposed to be widened by TDOT to a 5-lane roadway section. Development plans will be required to dedicate ROW and easements as well as participate in the cost of construction.

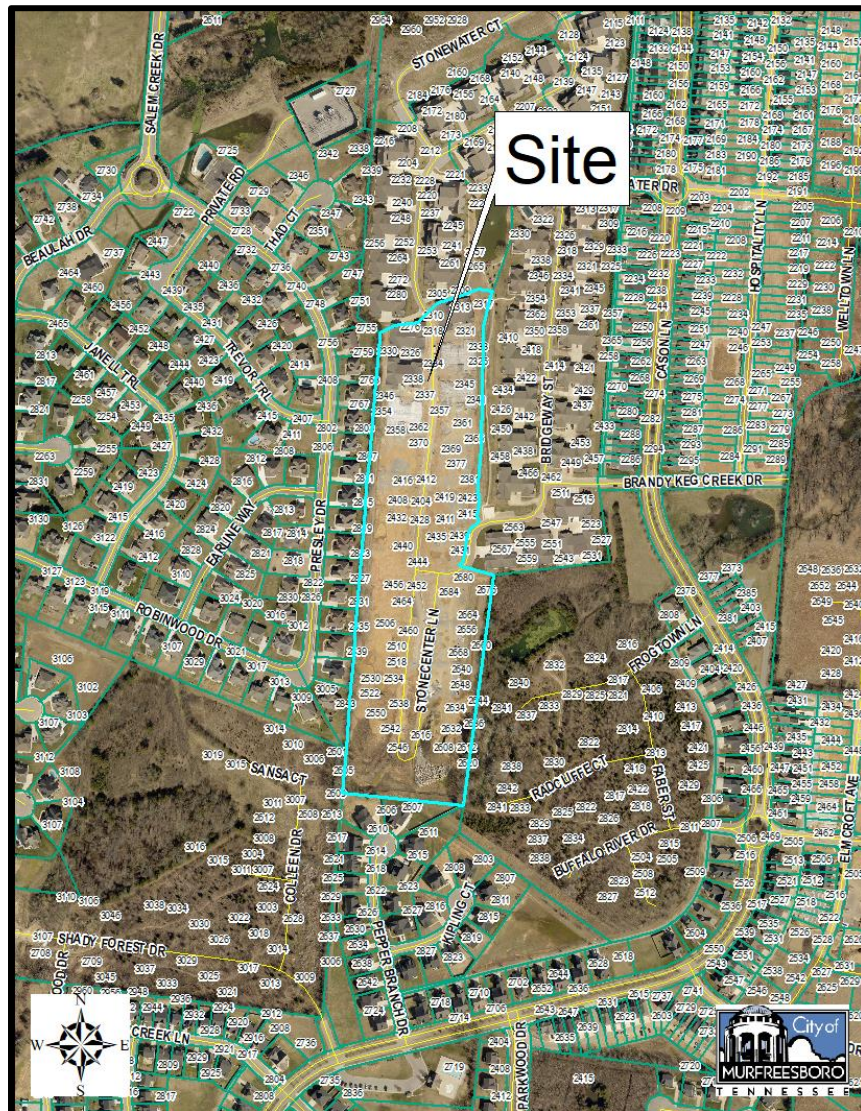
### **ANNEXATION FOLLOW-UP**

The Murfreesboro City Council will be responsible for ensuring that this property will receive City services described in this plan. According to the Tennessee Growth Policy Act, six months following the effective date of annexation, and annually thereafter until all services have been extended, a progress report is to be prepared and published in a newspaper of general circulation. This report will describe progress made in providing City services according to the plan of services and any proposed changes to the plan. A public hearing will also be held on the progress report.

**MURFREESBORO PLANNING COMMISSION  
STAFF COMMENTS, PAGE 1  
FEBRUARY 1, 2023  
PROJECT PLANNER: AMELIA KERR**

- 5.a. Mandatory Referral [2023-701] to consider the abandonment of a sanitary sewer easement located along Stonecenter Lane in the Stonebridge at Three Rivers development, John Miner of SEC, Inc. applicant.**

This easement abandonment request is from John Miner with SEC, Inc on behalf of Terranova Development Corporation. The easement in question is located on property along Stonecenter Lane in the Stonebridge at Three Rivers Townhome development.



In this mandatory referral, the Planning Commission is being asked to consider abandoning existing sanitary sewer and water line easements on property located west of Cason Lane (Map 114 Parcel 17.03) currently being developed with townhomes. The request is to abandon two (2) water line easements shown in red outline on the attached exhibits. These easements were labeled on the recorded plat as water line easements; however, the wider of the two contains sanitary sewer lines. It is staff's belief that the wider easement was intended to be labeled as a sanitary sewer and water line easement on the plat but was mislabeled as only a water line easement. Regardless, it appears that there is a prescriptive sanitary sewer easement because of the existence of the sanitary sewer lines there.

As such, the easements in question consist of Murfreesboro Water Resources sanitary sewer easements and Consolidated Utility District (CUD) water line easements and the developer is requesting that the City abandon its interest in these easements. These easements were dedicated by plat August 17, 2007. At the time these original easements were recorded, the sanitary sewer lines had not been installed. Since then, the sewer was re-designed and new easements will be recorded upon abandonment of these easements. Therefore, the sanitary sewer easements are no longer necessary. On a side note, while the City can abandon any interest it has in these easements, they will not be fully abandoned until such time as CUD abandons its interest in them as well.

Murfreesboro Water Resources Staff concurs with the abandonment request. The Murfreesboro Water Resources Board met on January 24, 2023 and voted to recommend approval of this abandonment. MWRD's memo to the MWR Board has been included in the agenda packet for reference. Staff recommends that the Planning Commission recommend approval to the City Council subject to the following conditions:

- 1) The applicant must provide to the City Legal Department all the necessary documentation (including any needed legal descriptions and exhibits) required to prepare and record the legal instrument. The legal instrument will be subject to the final review and approval of the City Legal Department.
- 2) The applicant will be responsible for recording the legal instrument, including paying any recording fees.

If approved by the City Council, then the Mayor will be authorized to sign the necessary documents to convey the City's interest back to the owner.





*... creating a better quality of life*

# *MEMORANDUM*

DATE: January 18, 2023  
TO: Water Resources Board  
FROM: Valerie H. Smith  
SUBJECT: Sewer Easement Abandonment  
Stonebridge Development

---

## **BACKGROUND**

This easement abandonment request is from SEC on behalf of Terranova Development Corp. They are requesting the abandonment of existing sanitary sewer easements that are no longer necessary. At the time these original easements were recorded, the sanitary sewer had not been installed. Since then, the sewer was re-designed and installed a little to the west and new easements have been recorded.

This request will also go before the Planning Commission as a mandatory referral for approval.

## **RECOMMENDATION**

Staff recommends approval of abandoning these Sanitary Sewer Easements.

## **FISCAL IMPACT**

These easements were dedicated by plat.

## **ATTACHMENTS**

Easement Abandonment Request & Exhibits

January 18, 2023

Mrs. Amelia Kerr  
City of Murfreesboro Planning Dept.  
111 West Vine Street  
Murfreesboro, TN 37133-1139

RE: Stonebridge at Three Rivers  
Abandonment of Sanitary Sewer Easement Mandatory Referral  
SEC Project No. 18192

Dear Amelia,

Please find the attached supplemental documents to support the mandatory referral request for the abandonment of 42,787sf and 10,943sf of sanitary sewer easement.

The existing sanitary sewer easements are not being utilized and are not centered on the sewer line. Due to this, several existing homes fall within the easement. Removing the easement will correct the homes from falling within the easement.

Should you need any clarification concerning the request, please feel free to contact me at 615-890-7901 or [jminer@sec-civil.com](mailto:jminer@sec-civil.com).

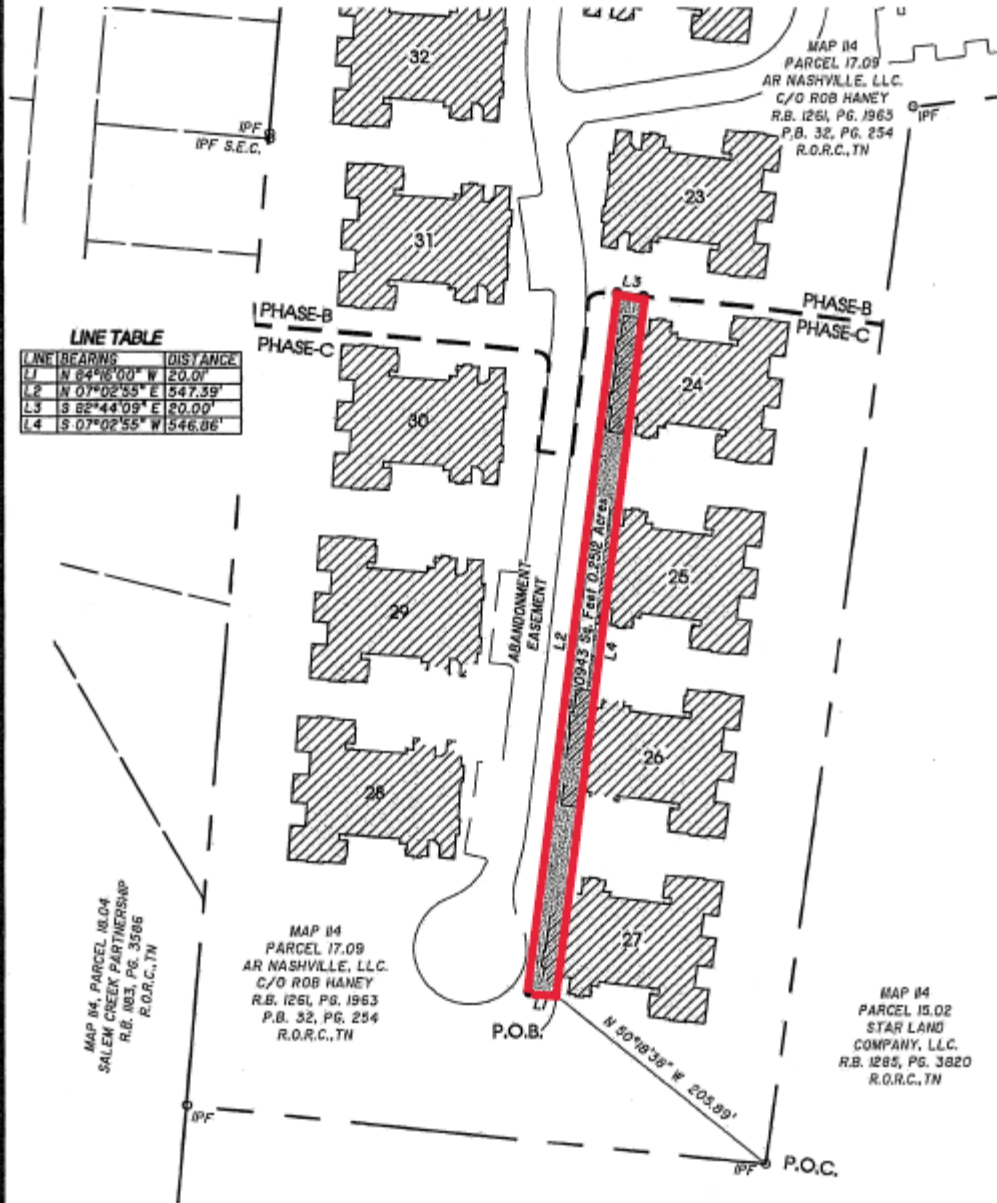
Sincerely,



John Miner, P.E.  
SEC, Inc.

**S.E.C. Inc.** SITE ENGINEERING CONSULTANTS  
ENGINEERING SURVEYING LAND PLANNING

855 MIDDLE TENNESSEE BLVD • MEMPHIS, TENNESSEE 37128  
PHONE: (915) 890-7961 • E-MAIL: SPARKER@SEC-CIVIL.COM • FAX: (915) 895-2587



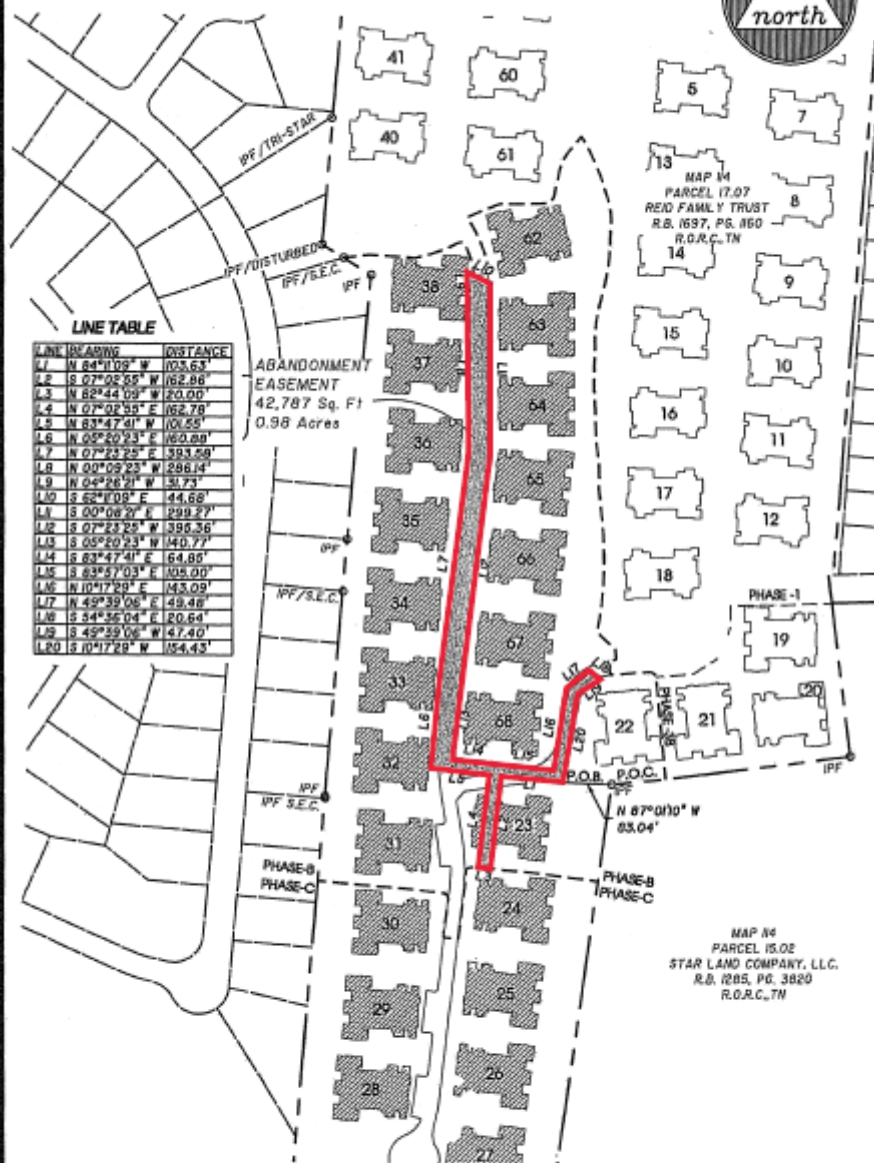
MAP 114 PARCEL 17.09  
TERRANOVA DEVELOPMENT CORP.  
STONEBRIDGE TOWNHOUSES OWNERS ASSOCIATION INC.  
R.B. 2130, PG. 2705

P.B. 32, PG. 254  
R.O.R.C., TN

DATE: 07-20-2020 SCALE 1"=100'

REV DATE:

18192



**LINE TABLE**

LINK	BEARING	DISTANCE
L1	N 64°11'09" W	123.63'
L2	S 07°02'55" W	162.86'
L3	N 82°44'09" W	20.00'
L4	N 07°02'55" E	162.78'
L5	N 83°47'41" W	101.55'
L6	N 05°20'23" E	160.88'
L7	N 07°24'25" E	393.59'
L8	N 00°09'23" W	286.14'
L9	N 04°26'21" W	31.73'
L10	S 62°10'08" E	44.88'
L11	S 00°06'27" E	289.27'
L12	S 07°23'25" W	395.36'
L13	S 05°20'23" W	140.77'
L14	S 83°47'41" E	64.85'
L15	S 83°47'03" E	105.00'
L16	N 10°17'28" E	45.09'
L17	N 49°39'06" E	49.48'
L18	S 34°35'04" E	20.64'
L19	S 49°39'06" W	47.40'
L20	S 10°17'28" W	124.43'

ABANDONMENT  
 EASEMENT  
 42,787 Sq. Ft.  
 0.98 Acres

MAP 114  
 PARCEL 17.07  
 RED FAMILY TRUST  
 R.B. 1637, PG. 1660  
 R.O.R.C., TN

MAP 114  
 PARCEL 15.02  
 STAR LAND COMPANY, LLC.  
 R.B. 1285, PG. 3820  
 R.O.R.C., TN

MAP 114 PARCEL 17.09  
 TERRANOVA DEVELOPMENT CORP.  
 STONEBRIDGE TOWNHOUSES OWNERS ASSOCIATION INC.  
 R.B. 2130, PG. 2705  
 P.B. 32, PG. 254  
 R.O.R.C., TN

DATE: 07-20-2020 SCALE 1"=200'

REV DATE:

**MURFREESBORO PLANNING COMMISSION  
STAFF COMMENTS, PAGE 1  
FEBRUARY 1, 2023  
PROJECT PLANNER: AMELIA KERR**

**5.b. Mandatory Referral [2023-702] to consider the abandonment of a sanitary sewer easement located on property at the southeast corner of Franklin Road and Veterans Parkway, Richard Blasey of Bergman Associates applicant.**

This easement abandonment request is from Richard Blasey with Bergman Associates on behalf of Circle K Stores, Inc. which is located on property at the southeast corner of Franklin Road and Veterans Parkway.



In this mandatory referral, the Planning Commission is being asked to consider abandoning an existing sanitary sewer easement on property to be developed with a Circle K gas station. The request is to abandon an existing sewer easement as shown in the hatched area on the attached exhibit. This easement was dedicated by plat on December 2, 2021. The existing easement conflicts with the location of the proposed convenience store and adjacent formal open space as further described in the plans as submitted for Site Plan Review dated January 4, 2023, included in the agenda. The existing sewer infrastructure within said easement is not pertinent to the development of the site for its intended use, and abandonment of the easement does not impact the City or Murfreesboro or any adjacent properties.

The Murfreesboro Water Resources Board met on January 24, 2023, and MWRD Staff recommended that the Board recommend to Planning Commission and City Council approval of the abandonment of this existing sewer easement.

The Murfreesboro Water Resources Board voted to recommend approval of this abandonment. Staff recommends that the Planning Commission recommend approval to the City Council subject to the following conditions:

- 1) The applicant must provide to the City Legal Department all the necessary documentation (including any needed legal descriptions and exhibits) required to prepare and record the legal instrument. The legal instrument will be subject to the final review and approval of the City Legal Department.
- 2) The applicant will be responsible for recording the legal instrument, including paying any recording fees.

If approved by the City Council, then the Mayor will be authorized to sign the necessary documents to convey the City's interest back to the owner.



City of Murfreesboro  
Mandatory Referral Application

111 W Vine Street • Murfreesboro, TN 37130 • 615-893-6441

Mandatory Referral Fees:

Mandatory Referral, <b>INCLUDING</b> abandonment of right-of-way.....	\$350.00
Mandatory Referral, <b>NOT INCLUDING</b> abandonment of right-of-way.....	\$150.00

Property Information:

Tax Map/Group/Parcel: **093/070.01**

Address (if applicable): **Veteran's Parkway**

Street Name (if abandonment of ROW):

Type of Mandatory Referral: **Easement Abandonment**

Applicant Information:

Name of Applicant: **Richard Blasey**

Company Name (if applicable): **Circle K**

Street Address or PO Box: **935 East Tallmadge Avenue**

City: **Akron**

State:

Zip Code: **44310**

Email Address: **rblasey@bergmannpc.com**

Phone Number: **517.827.8670**

Required Attachments:

- Letter from applicant detailing the request
- Exhibit of requested area, drawn to scale
- Legal description (if applicable)

*Richard Blasey*

*January 13, 2023*

Applicant Signature

Date



January 13, 2023

Ms. Anita Heck, EI  
Murfreesboro Water Resources Department – Engineering  
220 NW Broad Street  
Murfreesboro, TN 37130

**Dear Ms. Heck,**

On behalf of our client, Circle K Stores Inc., we would like to formally request that an existing sanitary sewer easement be abandoned as depicted on the attached exhibit drawing, said easement being recorded in Plat Book 47, Page 136 and in Book 2172, Page 3099, Register's Office for Rutherford County, Tennessee. The easement is located on property owned by Circle K Stores, Inc., described as Lot 1, Section 1 – Lots 1, 2, and 3 of Kingdom Crest Subdivision as recorded in Plat Cabinet 45, Page 136, Register's Office for Rutherford County, Tennessee, Tax Map 093, Parcel 070.01.

The existing easement conflicts with the location of a proposed convenience store and adjacent formal open space as further described in the plans as submitted for Site Plan Review dated January 4, 2023. The existing sewer infrastructure within said easement is not pertinent to the development of the site for its intended use, and abandonment of the easement does not impact the City or Murfreesboro or any adjacent properties.

Please note that the existing 30" sanitary sewer infrastructure within said easement will be removed as described on the above referenced plans.

Respectfully,

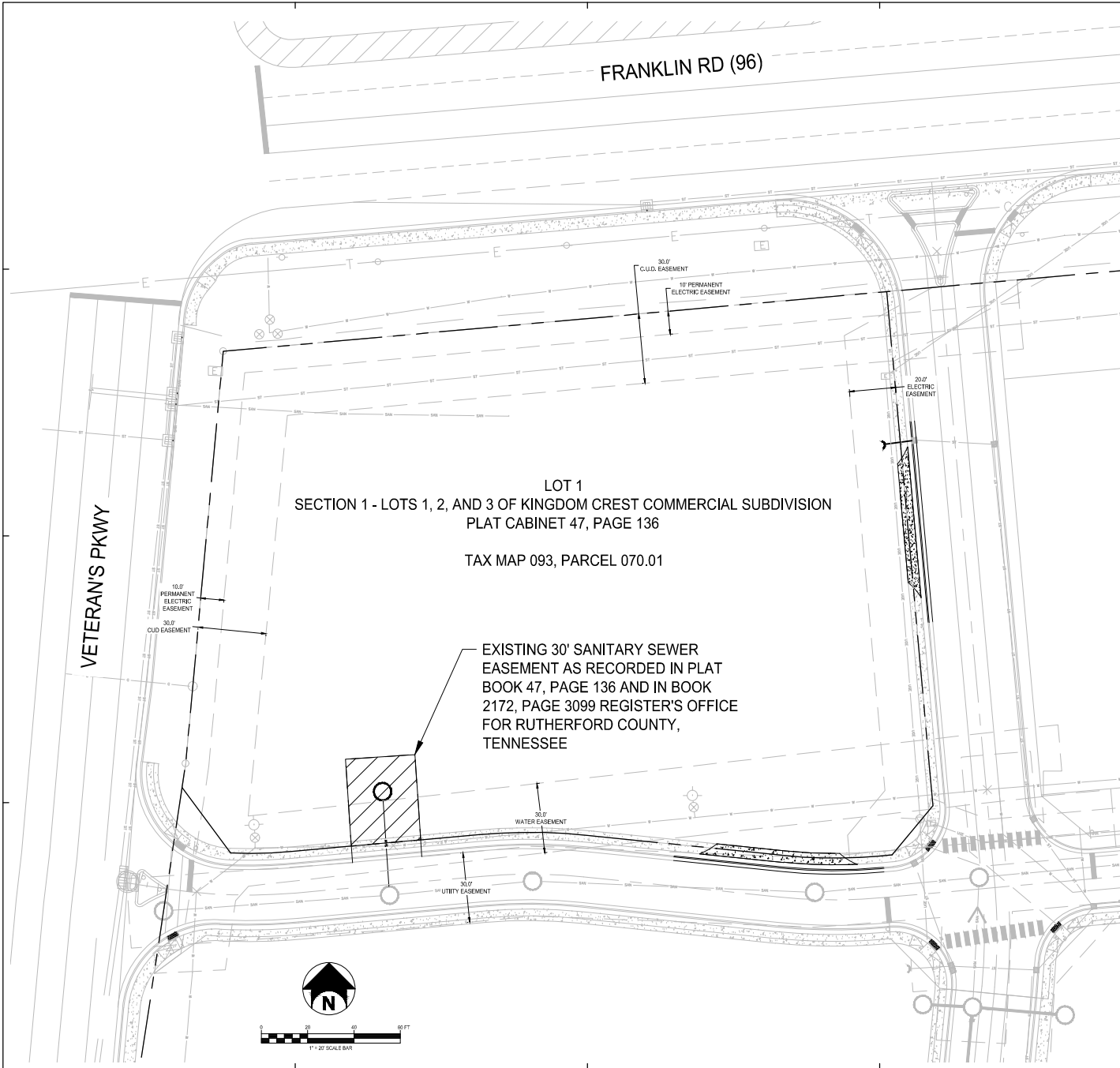
Sincerely,

*Richard Blasey*

Richard Blasey, PE  
BERGMANN

Enclosure





PROFESSIONAL SEAL

PROFESSIONAL IN CHARGE  
**G. HARVEY, PE**  
 PROJECT MANAGER  
**S. BLASEY, PE**  
 QUALITY CONTROL  
**G. HARVEY, PE**  
 DRAWN BY  
**A. SMITH**  
 DATE  
 NOV 04, 2022

PROJECT NAME  
**CIRCLE K STORES INC.**  
**RT1**  
**SEC OF FRANKLIN RD AND**  
**VETERAN'S PKWY**  
**MIDWEST BU**

**SEC FRANKLIN RD &**  
**VETERAN'S PKWY**

**MURFREESBORO, TN**



PROJECT NUMBER  
**015031.00**

SHEET TITLE  
**EASEMENT**  
**ABANDONMENT**

SHEET NUMBER  
**EXHIBIT A**

5200 NATIONAL PROTOTYPE

**PROJECT DATA**

1. APPLICANT:  
CIRCLE K  
935 E. TALLMADGE AVE.  
AKRON, OH 44310  
ERIC SEEBACH
2. PROJECT ADDRESS:  
SEC FRANKLIN RD & VETERANS PARKWAY  
MURFREESBORO, TN
3. PROJECT PARCEL NUMBERS:  
093-070-01-000
4. GROUP: RvwZONE3
5. MAP: 075102 00701
6. PROJECT DESCRIPTION: PROPOSAL FOR A NEW  
CONVENIENCE STORE WITH ASSOCIATED FUEL  
SALES CONSISTING OF A 5,200 S.F. CONVENIENCE  
STORE AND 4,608 SF FUEL CANOPY WITH (7) FUEL  
PUMPS. THE CONVENIENCE STORE WILL SELL BEER  
AND WINE FOR OFFSITE CONSUMPTION. THE  
FACILITY WILL OPERATE 24 HOURS.
7. THE PROPOSED SITE IS LOCATED IN FLOOD ZONE X.  
AREAS DETERMINED TO BE OUTSIDE 0.2% ANNUAL  
CHANCE FLOODPLAIN, FLOOD INSURANCE RATE  
MAP NUMBER 47149C0255H DATED JANUARY 5,  
2007.
8. ROAD CLASSIFICATIONS:  
-FRANKLIN ROAD: PRINCIPAL ARTERIAL, NATIONAL  
HWY (100' ROW)  
-VETERANS PARKWAY: MINOR ARTERIAL (110' ROW)

9. SITE AREAS:  
- IMPERVIOUS AREA: 49,229 SF  
- PERVIOUS AREA: 19,596 SF

**PARKING REQUIRED:** (0.9-1.9 PER CODE)  
CONVENIENCE STORE - ONE (1) SPACE PER 300  
SQUARE FEET OF FLOOR AREA PLUS 3  
QUEUING SPACES FOR EACH DRIVEUP  
WINDOW - 4,200/300 = 17.3 SPACES REQUIRED  
GASOLINE SALES - 1.5 SPACES FOR EVERY 2  
EMPLOYEES EMPLOYED ON THE LARGEST SHIFT -  
6 EMPLOYEES = 4.5 SPACES REQUIRED  
TOTAL = 22 SPACES REQUIRED

**PARKING PROVIDED:**  
22 SPACES + 2 ADA = 24 PARKING  
+ 14 PUMP SPACES  
PARKING SPACES DIMENSION = 9.5x19'

**KEY NOTES:**

- A. 5200 SQ. FT. CIRCLE K CONVENIENCE STORE, REFER TO ARCH PLANS
- B. ASPHALT PAVING, LIGHT DUTY
- C. 3' LANDSCAPE AREA AT BUILDING, SEE LANDSCAPE PLANS
- D. PYLON SIGN, SEE ELECTRICAL PLANS FOR POWER REQUIREMENTS
- E. CONCRETE SIDEWALK, SEE DETAIL SHEET C500
- F. ELECTRICAL TRANSFORMER PROPOSED LOCATION, CONTRACTOR TO  
COORDINATE WITH POWER COMPANY TO DETERMINE FINAL  
LOCATION.
- G. TRASH ENCLOSURE PER CIRCLE K STORES, SEE DETAIL SHEET C505
- H. CONCRETE CURB AND GUTTER, SEE DETAIL SHEET C500
- I. CONCRETE PAVING, SEE DETAIL SHEET C500
- J. PARKING LIGHT POLE FIXTURE, SEE LIGHTING PLAN C140
- K. ACCESSIBLE PARKING SPACE AND SIGNAGE, SEE DETAIL SHEET C504
- L. VENT PIPES LOCATION, SEE FUEL SHEETS FOR MORE INFORMATION
- M. FUEL CANOPY AREA, SEE FUEL SHEETS FOR MORE INFORMATION
- N. CO2 WITH STORAGE CABINET
- O. FUEL STORAGE TANKS PER FUEL/GAS PLANS
- P. AIR & WATER MACHINE, PROVIDED BY CIRCLE K STORES VENDOR
- Q. EMERGENCY SHUT-OFF SWITCH, SEE FUEL PLAN
- R. FUEL ISLAND BOLLARD, SEE FUEL CANOPY PLANS
- S. 5' x 5' TREE GRATE OVER 24" PLANTING SOIL, WITH 18" DIA. OPENING
- T. PAVEMENT DIRECTIONAL MARKING
- U. CONCRETE PAVING, REFER TO FUEL CANOPY PLANS
- V. CONCRETE PAVING, REFER TO FUEL/GAS PLANS
- W. FORMAL OPEN SPACE - STAMPED CONCRETE - FRACTURED EARTH  
TEXTURE AND TOUCH-UP SKINS
- X. TAPER CURB FROM 6" TO 0" REVEAL IN 5 FEET.

**SITE LEGEND:**

- |  |                             |
|--|-----------------------------|
|  | KEY NOTE                    |
|  | NUMBER OF PARKING SPACES    |
|  | CONCRETE LIGHT-DUTY         |
|  | CONCRETE HEAVY-DUTY         |
|  | PAVEMENT SECTION LIGHT-DUTY |
|  | PROPERTY SETBACK LINE       |
|  | PROPERTY LINE               |

**GENERAL NOTES:**

1. THE UNDERGROUND STRUCTURES AND UTILITIES SHOWN ON THESE PLANS HAVE BEEN PLOTTED FROM AVAILABLE SURVEYS AND RECORD MAPS. THEY ARE NOT CERTIFIED TO THE ACCURACY OF THEIR LOCATION AND/OR COMPLETENESS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION AND EXTENT OF ALL UNDERGROUND STRUCTURES AND UTILITIES PRIOR TO ANY DIGGING OR CONSTRUCTION ACTIVITIES IN THEIR VICINITY.
2. THE CONTRACTOR SHALL PERFORM ALL WORK IN COMPLIANCE WITH TITLE 29 OF FEDERAL REGULATIONS, PART 1926, SAFETY AND HEALTH REGULATIONS FOR CONSTRUCTION (OSHA).
3. ALL ROADS AND PRIVATE DRIVES SHALL BE KEPT CLEAN OF MUD, DEBRIS ETC. AT ALL TIMES.
4. REFER TO ARCHITECTURAL DRAWINGS FOR PRECISE BUILDING DIMENSIONS.
5. THE CONTRACTOR SHALL CONSULT THE CONSTRUCTION MANAGER BEFORE DEVIATING FROM THESE PLANS.
6. IN ALL TRENCH EXCAVATIONS, CONTRACTOR MUST LAY THE TRENCH SIDE SLOPES BACK TO A SAFE SLOPE, USE A TRENCH SHIELD OR PROVIDE SHEETING AND BRACING.
7. ALL EXISTING SURFACE APPURTENANCES (I.E. WATER VALVES, CATCH BASIN FRAMES AND GRATES, MANHOLE COVERS) WITHIN THE PROJECT LIMITS SHALL BE ADJUSTED TO FINISHED GRADE.
8. AREAS DISTURBED OR DAMAGED AS PART OF THIS PROJECT'S CONSTRUCTION THAT ARE OUTSIDE OF THE PRIMARY WORK AREA SHALL BE RESTORED, AT THE CONTRACTOR'S EXPENSE, TO THE SATISFACTION OF THE OWNER'S REPRESENTATIVE.
9. THE CONTRACTOR SHALL CALL "MISS DIG" AT LEAST 3 WORKING DAYS (EXCLUDING WEEKENDS AND HOLIDAYS) PRIOR TO CONSTRUCTION.
10. ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE APPLICABLE CODES, ORDINANCES, DESIGN STANDARDS AND STANDARD SPECIFICATIONS WHICH HAVE THE RESPONSIBILITY OF REVISIONS PLANS AND SPECIFICATIONS FOR CONSTRUCTION OF ALL ITEMS INCLUDED IN THESE PLANS.
11. UNLESS SPECIFICALLY STATED, THE CONTRACTOR SHALL APPLY FOR AND OBTAIN ALL NECESSARY PERMITS AS REQUIRED FOR CONSTRUCTION OF THIS PROJECT PRIOR TO THE BEGINNING OF WORK FROM THE PREVIOUSLY MENTIONED AGENCIES.
12. THE CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING THE SAFETY OF ALL PERSONS AND PROPERTY. THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS.
13. WHEN ANY EXISTING UTILITY REQUIRES ADJUSTMENT OR RELOCATION, THE CONTRACTOR SHALL NOTIFY THE PROPER UTILITY COMPANY AND COORDINATE THE WORK ACCORDINGLY. THERE SHALL BE NO CLAIM MADE BY THE CONTRACTOR FOR ANY COSTS CAUSED BY DELAYS IN CONSTRUCTION DUE TO THE ADJUSTMENT OR RELOCATION OF UTILITIES.
14. THE CONTRACTOR IS TO VERIFY THAT THE PLANS AND SPECIFICATIONS THAT HE/SHE IS BUILDING FROM ARE THE VERY LATEST PLANS AND SPECIFICATIONS THAT HAVE BEEN APPROVED BY ALL APPLICABLE PERMIT-ISSUING AGENCIES AND THE OWNER. ALL ITEMS CONSTRUCTED BY THE CONTRACTOR PRIOR TO RECEIVING THE FINAL APPROVAL AND PERMITS HAVING TO BE ADJUSTED OR RE-DONE, SHALL BE DONE AT THE CONTRACTOR'S EXPENSE.
15. SHOULD THE CONTRACTOR ENCOUNTER CONFLICT BETWEEN THESE PLANS AND SPECIFICATIONS, EITHER AMONG THEMSELVES OR WITH THE REQUIREMENTS OF ANY AND ALL REVIEWING AND PERMIT-ISSUING AGENCIES, HE/SHE SHALL SEEK CLARIFICATION IN WRITING FROM THE CONSTRUCTION MANAGER BEFORE COMMENCEMENT OF CONSTRUCTION. FAILURE TO DO SO SHALL BE AT THE SOLE EXPENSE OF THE CONTRACTOR.
16. THE CONTRACTOR SHALL FURNISH AS-BUILT DRAWINGS INDICATING ALL CHANGES AND DEVIATIONS FROM APPROVED DRAWINGS.
17. ALL WORK WITHIN THE PUBLIC RIGHT OF WAY SHALL CONFORM TO THE STANDARDS OF THE TENNESSEE DEPARTMENT OF TRANSPORTATION.
18. SOLID WASTE WILL BE COLLECTED BY A PRIVATE HAULER.
19. CONTRACTOR TO COORDINATE WITH THE CITY OF MURFREESBORO TRANSPORTATION DEPARTMENT PRIOR TO THE COMMENCEMENT OF ANY WORK IN THE PUBLIC RIGHT OF WAY IN THIS AREA TO AVOID DAMAGE TO THE TRAFFIC SIGNAL DEVICES. CONTACT RAM BALACHANDRAN, CITY TRAFFIC ENGINEER, AT (615) 893-6441
20. SEASONAL OUTDOOR SALES WILL BE PROVIDED IN AREAS TO NOT TO IMPEDER ON VEHICULAR OR PEDESTRIAN TRAFFIC OR CIRCULATION, LANDSCAPE AREAS, SIDEWALKS AND PARKING STALL MUST REMAIN FULLY OPERATIONAL AT ALL TIMES.
21. 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 LANDSCAPE ELEMENT(S) (TREES, SHRUBS, ETC.).
22. CONTRACTOR TO COORDINATE WITH THE TRAFFIC ENGINEER IN THE CITY TRANSPORTATION DEPARTMENT PRIOR TO COMMENCEMENT OF WORK IN THIS AREA TO AVOID DAMAGE TO TRAFFIC SIGNAL DEVICES
23. AN ENGINEER'S CERTIFICATION OF THE CONSTRUCTION OF THE STORMWATER MANAGEMENT FACILITIES MUST BE PROVIDED TO THE CITY ENGINEER PRIOR TO ISSUANCE CERTIFICATE OF OCCUPANCY
24. A STORMWATER FEE CREDIT APPLICATION MUST BE SUBMITTED PRIOR TO THE ISSUANCE OF A BUILDING PERMIT
25. A STORMWATER FACILITIES OPERATION AND MAINTENANCE PLAN AND A STORMWATER FACILITIES MAINTENANCE AGREEMENT MUST BE SUBMITTED PRIOR TO ISSUANCE OF A BUILDING PERMIT
26. THE STORMWATER FACILITIES MAINTENANCE AGREEMENT MUST BE RECORDED PRIOR TO CERTIFICATE OF OCCUPANCY

**PROFESSIONAL SEAL**

**PROFESSIONAL IN CHARGE**

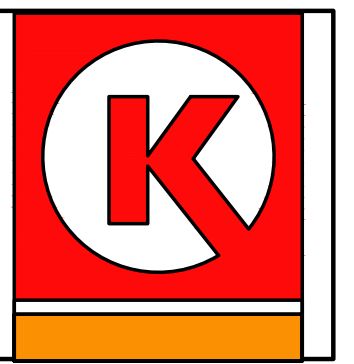
\*\*\*\*\*  
**PROJECT MANAGER**  
\*\*\*\*\*  
**QUALITY CONTROL**  
\*\*\*\*\*  
**DRAWN BY**  
\*\*\*\*\*  
**DATE**  
NOV 04, 2022

**PROJECT NAME**

**CIRCLE K STORES INC.  
NTI  
SEC OF FRANKLIN RD AND  
VETERAN'S PKWY  
MIDWEST BU**

**SEC FRANKLIN RD & VETERAN'S PKWY**

**MURFREESBORO, TN**



**CIRCLE K STORES INC.**

**PROJECT NUMBER**

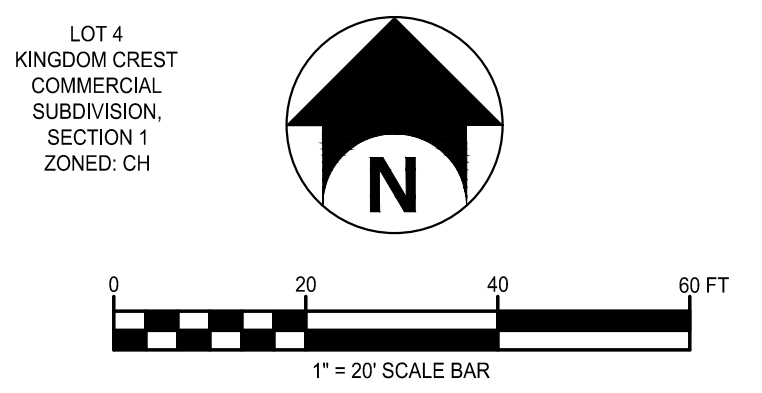
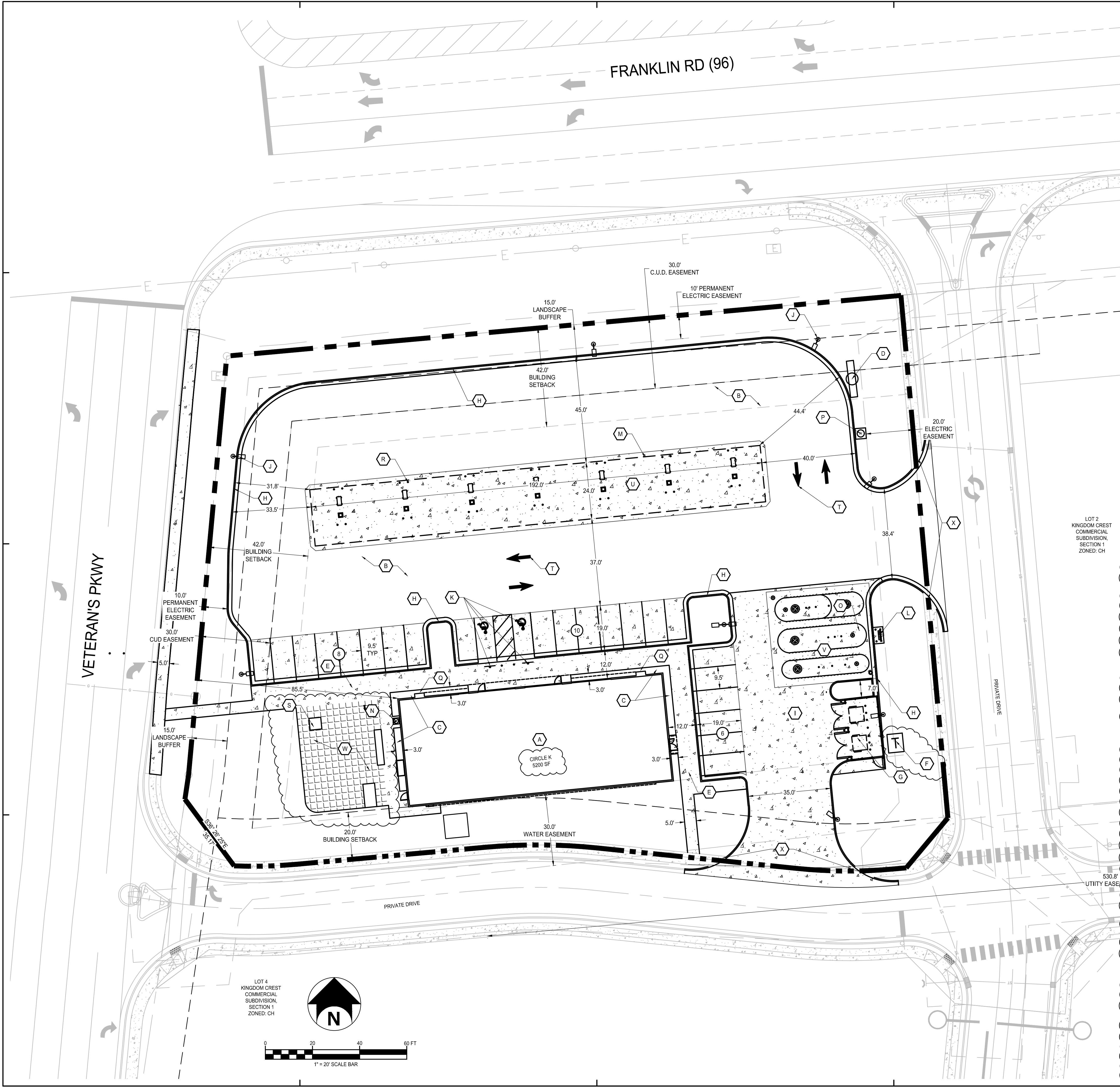
**015031.00**

**SHEET TITLE**

**SITE PLAN**

**SHEET NUMBER**

**C100**



Drawing Name: I:\015031.00 - Circle K\015031.00 - Circle K\015031.00 - Circle K\015031.00 - Circle K\015031.00 - Circle K\015031.00 - Circle K\015031.00 - Circle K\015031.00 - Circle K\015031.00 - Circle K\015031.00 - Circle K\015031.00  
 Date: 11/04/2022 10:58:54 AM  
 User: rjones  
 Plot Date: 11/04/2022 10:58:54 AM  
 Plot User: rjones  
 Plot Device: HP DesignJet T1100e  
 Plot Scale: 1:20  
 Plot Orientation: Landscape  
 Plot Range: All  
 Plot Pen: Default  
 Plot Color: Black  
 Plot Lineweight: Default  
 Plot Font: Arial  
 Plot Font Size: 12  
 Plot Font Color: Black  
 Plot Font Weight: Normal  
 Plot Font Style: Normal  
 Plot Font Orientation: Horizontal  
 Plot Font Angle: 0  
 Plot Font Color: Black  
 Plot Font Weight: Normal  
 Plot Font Style: Normal  
 Plot Font Orientation: Horizontal  
 Plot Font Angle: 0



*... creating a better quality of life*

# MEMORANDUM

DATE: January 18, 2023  
TO: Water Resources Board  
FROM: Valerie H. Smith  
SUBJECT: Sewer Easement Abandonment  
Circle K – Kingdom Crest Commercial

---

## **BACKGROUND**

This easement abandonment request is from Bergmann on behalf of Circle K Stores, Inc. They are requesting the abandonment of an existing sanitary sewer easement extending from the southern property, north, on the western side of the property. The sewer main and easement are not needed for the property, as the Circle K has opted to connect to sewer at a location to the east.

This request will also go before the Planning Commission as a mandatory referral for approval.

## **RECOMMENDATION**

Staff recommends approval of abandoning this Sanitary Sewer Easement.

## **FISCAL IMPACT**

This easement was dedicated by plat.

## **ATTACHMENTS**

Easement Abandonment Request & Exhibit



**MEMORANDUM  
CITY OF MURFREESBORO  
LEGAL DEPARTMENT**

---

**TO:** Chair Jones and Members of the Planning Commission

**FROM:** David A. Ives

**DATE:** January 27, 2023

**RE:** Abandonment of Certain Greenway Trail Easements and approval of an Agreement for Conservation Easement for Greenway Trail Purposes

---

**MANDATORY REFERRAL**

In 2008, the City recorded a Declaration of Permanent Easements for Greenway Trail Purposes across two properties as shown on the attached drawing. At that time, it was anticipated that all of Lot 10 would be park area associated with the anticipated construction of a Greenway Trail from Medical Center Parkway to the South to connect with an anticipated Trail along that side of the Stones River. That plan was later abandoned, and Lot 10 was sold to Swanson Development LP in 2020. This Easement should have been released in connection with that sale but was not discovered at that time. In order clean up title to Lot 10, staff recommends the release and abandonment of that Easement now.

The area marked "A" on the attached drawing was sold to Sunset on the Stones River, LLC, in December 2022 to be a part of the Notes Live / Bourbon Brothers development. The Developer and the City agree that this area will be utilized for an extension of the Greenway Trail in the future. The developer has requested, however, and the City agrees, that the existing Permanent Easement for Greenway Trail Purposes covering this area should be abandoned and replaced with a more specific Agreement for Conservation Easement for Greenway Trail Purposes substantially in the form attached hereto. Staff recommends approval of the abandonment of the existing Easement and replacement of it with the Agreement for Conservation Easement for Greenway Trail Purposes, which will also cover the additional 0.625 ac. conveyed to Sunset.

I will be happy to answer any questions.



**MEMORANDUM  
CITY OF MURFREESBORO  
LEGAL DEPARTMENT**

---

**TO:** Chair Jones and Members of the Planning Commission  
**FROM:** David A. Ives  
**DATE:** January 26, 2023  
**RE:** Abandonment of Certain Greenway Trail Easements and approval of an Agreement for Conservation Easement for Greenway Trail Purposes

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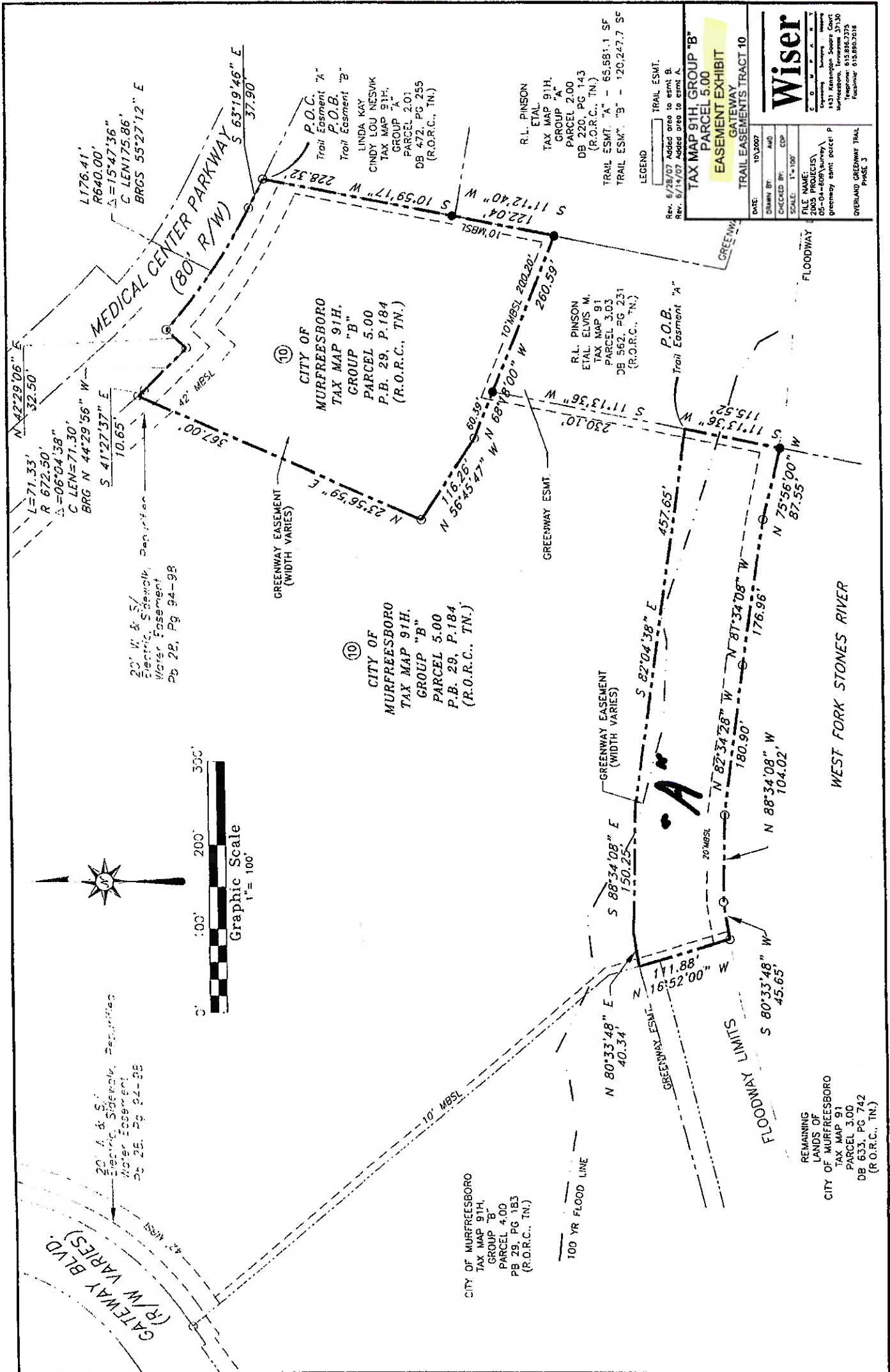
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I will be happy to answer any questions.

Rec #: 556026  
Rec'd: 20.00 Instrument #: 1562671  
State: 0.00  
Clerk: 0.00  
EDP: 2.00  
Total: 22.00  
Recorded  
5/7/2008 at 1:47 PM  
in  
Record Book 841 Pgs 3077-3080



**Wiser**  
Surveying & Mapping  
1431 Kensington Square Court  
Murfreesboro, Tennessee 37130  
Phone: 615.870.7213  
Fax: 615.870.7218

DATE: 10/2007  
DRAWN BY: AMD  
CHECKED BY: GSP  
SCALE: 1"=100'

FILE NAME: 2005 PROJECTS  
05-04-008 (Survey)  
greenway easmt parcel p  
10/2007

OVERLAND GREENWAY TRAIL  
PHASE 3

LEGEND  
TRAIL ESMT.  
Rev. 5/28/07 Added area to esmt B.  
Rev. 6/11/07 Added area to esmt A.

TAX MAP 91H, GROUP "B"  
PARCEL 5.00  
EASEMENT EXHIBIT  
GATEWAY  
TRAIL EASEMENTS TRACT 10

**AGREEMENT FOR GRANT OF CONSERVATION EASEMENT  
for  
GREENWAY TRAIL PURPOSES**

**THIS AGREEMENT**, made and entered into by and between the City of Murfreesboro, Tennessee, a municipal corporation, ("City"), and Sunset on the Stones River, LLC, a Colorado limited liability company ("Grantor").

**WHEREAS**, City recognizes the benefit of protecting open spaces within the City and surrounding area; and

**WHEREAS**, greenways provide the general public with recreational opportunities in natural areas, preserve and protect native plant and animal species and their habitat, and provide low-impact transportation routes for pedestrian and bicycle traffic; and

**WHEREAS**, City, is continuing its undertaking to develop a system of open space greenways; and

**WHEREAS**, Grantor is the owner of that certain real property containing approximately 20.131 acres, more or less, located in Rutherford County, Tennessee, said land having been conveyed to Grantor by Warranty Deed of record in Record Book 2307 page 2382 and Record Book 2307 Page 2387, RORC (the "Grantor's Property"); and

**WHEREAS**, Grantor agrees to grant to City a Conservation Easement over that portion of the Grantor's Property more particularly described in **Exhibit A** and depicted on **Exhibit B** attached hereto and incorporated by this reference ("the Easement Property"); and

**WHEREAS**, the Easement Property possesses natural, open space, and recreational values (collectively, "conservation values") of great importance to Grantor and the people of Murfreesboro; and

**WHEREAS** Grantor intends that the conservation values of the Easement Property be preserved and made more accessible for public enjoyment by the anticipated incorporation and maintenance of the Easement Property as part of the City greenways system; and

**WHEREAS**, Grantor further intends, as owner of the Easement Property, to convey to City the right to preserve and protect the conservation values of the Easement Property in perpetuity; and

**WHEREAS**, City has the authority to accept this grant pursuant to T.C.A. Sec. 66-9-305, and Article III, Sec. 4(10) of the City Charter; and

**WHEREAS**, City agrees by accepting this grant to honor the intentions of Grantor stated herein, and to preserve and protect, in perpetuity, the conservation values of the Easement Property for the benefit of the people of Murfreesboro.

**NOW, THEREFORE**, for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable considerations, including but not limited to the above recitations and the mutual covenants, terms, conditions, and restrictions contained herein, the receipt and sufficiency of which is hereby irrevocably acknowledged, the parties agree as follows:

1. Grant of Easement. Grantor hereby grants and conveys to City, its successors and assigns, an easement in perpetuity over the Easement Property (herein referred to as the "Easement") to be located as more particularly described in **Exhibit A** and depicted on **Exhibit B** attached hereto and incorporated by this reference.

2. Purpose. It is the purpose of this grant to allow City to utilize the Easement Property for one or more of the following: a greenway trail for pedestrian or bicycle travel, nature trail, blueway for canoes, kayaks and similar non-motorized watercraft, open space, and/or natural, unimproved area. City, at its discretion, may design, construct, and maintain a trail substantially in accord with the plans and specifications generally adopted by the City for greenway trails, as such plans may be from time to time amended or modified. It is the intention of the parties that the granting of the Easement will not significantly interfere with the conservation values of the Easement Property.

3. Rights of City. To accomplish the purpose of the Easement, the following rights are conveyed to City by this grant:

a. To preserve and protect the conservation values of the Easement Property;  
and

b. To construct and maintain a greenway trail to be located on the Easement Property, including, at the discretion of City, necessary signage, and other such improvements or facilities consistent with the recreational and educational uses of the Easement Property and other conservation values; and

c. To prevent any activity on or use of the Easement Property that is inconsistent with the purpose of the Easement and to require the restoration of such areas or features of the Easement Property that may be damaged by any inconsistent activity or use; and

d. To enforce its rules and regulations for users of the greenway trail, as same may be amended from time to time.

4. City Covenants. City, by accepting this grant, covenants and agrees, on behalf of itself, its successors and assigns, that the following shall attach to and run with the Easement hereby granted and shall be binding upon anyone who may hereafter come into ownership of such Easement, whether by purchase or succession, or be authorized to use said Easement Property:

a. It will make the Easement Property available for use by all members of the general public without illegal discrimination on the grounds of race, color, national origin, sex, disability or age.

b. It will adopt rules and regulations governing the use of the Easement Property so as not to permit or suffer any use of the Easement Property by Grantor or others in violation of such rules and regulations. The rules and regulations may provide as follows:

i. That the hours of public access of the Easement Property shall be from sunrise to sunset.

ii. That all pets of persons utilizing the Easement Property must be on a leash at all times.

iii. That the following activities shall be strictly prohibited:



1. consumption or possession of alcoholic beverages;
2. horseback riding;
3. unauthorized motor vehicles of any kind;
4. collecting or distributing plants, animals or other natural features;
5. littering or dumping;
6. possession of weapons (as defined by TCA Sec. 39-17-1311(a) other than handguns carried by a permit holder.;
7. playing of radios, musical instruments or other devices in a manner that might disturb others;
8. vending or other concessions without proper permits;
9. advertising or posting of bills;
10. trespassing on adjacent property of Grantor.

5. Other Prohibited Uses. The City may prohibit any activity on or use of the Easement Property that is deemed by the City to be inconsistent with the purpose of the Easement. The examples of express prohibitions contained in Paragraph no. 4, above, shall not limit the generality of this paragraph.

6. No Warranties - "As Is-Where-Is". City acknowledges and agrees that Grantor has not made, is not making and specifically disclaims any warranties, representations, guarantees or assurances, express or implied, to City with respect to the Easement Property, including, without limitation, any warranties, representations, guarantees or assurances regarding: (i) the habitability, marketability, merchantability, suitability, quality or fitness for a particular purpose of the Easement Property, or (ii) the environmental condition of the Easement Property. City further acknowledges and agrees that the Easement Property is being conveyed and transferred to City in its present condition, "as is, where is" and with all faults, and Grantor shall have no obligation to protect or defend City from or against any claim or claim of interest pertaining, directly or indirectly, to the status of title to the Easement Property.

7. Reserved Rights. Grantor reserves to itself, and to its personal representatives, heirs, successors, and assigns, the right to engage in or permit or invite others to engage in all uses of the Easement Property that are not expressly prohibited herein, are not in violation of the applicable City rules and regulations then governing the Easement Property, and are not inconsistent with the purpose of the Easement, provided that no such uses by Grantor or its invitees shall interfere with the use of the Easement Property by others. Grantor agrees to not place or construct furniture or other structures or facilities of any kind upon or within the Easement Property. Nothing contained in this Agreement shall in any way limit Grantor's right to utilize the remainder of Grantor's properties outside of the Easement Property for any lawful activity.

8. City's Remedies. If City determines that Grantor is in violation of the terms of this Agreement or that a violation is threatened, City shall give written notice to Grantor of such violation and demand corrective action sufficient to cure the violation and, where the violation involves injury to the Easement Property resulting from any use or activity inconsistent with the purpose of the Easement, to restore the portion of the Easement Property so injured. If Grantor fails to cure the violation within thirty (30) days after receipt of notice thereof from City or, under circumstances where the violation cannot reasonably be cured within a thirty (30) day period, fails

to continue diligently to cure such violation until finally cured, City may bring an action in a court of competent jurisdiction to enforce the terms of this Agreement to enjoin the violation by temporary or permanent injunction, and to recover any damages to which it may be entitled for violation of the terms of this Agreement or for injury to any conservation values protected by the Easement, including damages for the loss of scenic, aesthetic, or environmental values, and to require the restoration of the Easement Property to the condition that existed prior to any such injury. If City, in its sole discretion, determines that circumstances require immediate action to prevent or mitigate significant damage to the conservation values of the Easement Property or to prevent or mitigate a dangerous condition on the Easement Property, City may pursue its remedies under this paragraph without prior notice to Grantor or without waiting for the expiration of the period provided for cure. City's rights under this paragraph apply equally in the event of either actual or threatened violations of the terms of this Agreement. City's remedies described in this paragraph shall be cumulative and shall be in addition to all remedies now or hereafter existing at law or in equity.

9. City's Discretion. Enforcement of the terms of this Agreement shall be at the discretion of City, and any forbearance by City to exercise its rights under this Agreement in the event of any breach of any terms of this Agreement by Grantor shall not be deemed or construed to be a waiver by City of such term, or of any subsequent breach of the same, or any other term of this Agreement, or of any of City's rights under this Agreement. No delay or omission by City in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver.

10. City's Responsibilities. Grantor and City agree that City shall be solely responsible for the construction and maintenance of the greenway trail and any other improvements or facilities to be constructed pursuant to Section 3b of this Agreement, the prevention of any uses inconsistent with the purpose of the Easement pursuant to Section 3c of this Agreement and the promulgation and enforcement of any rules and regulations pursuant to Section 4b of this Agreement.

11. Waiver of Certain Defenses. Grantor hereby waives any defense of laches, estoppel, or prescription.

12. Eminent Domain. In the event that City, or any successor to City which holds the power of eminent domain, determines, in its sole discretion, that it is necessary or appropriate for the City or such successor to have fee simple ownership of the Easement Property, and in the further event that the parties do not agree as to the additional amount, if any, to be paid for obtaining fee simple ownership of the Easement Property and City or such successor initiates condemnation proceedings, Grantor agrees that the value of such fee simple ownership shall be reduced by the amount paid to Grantor for this Conservation Easement.

13. Acts Beyond Grantor's Control. Nothing contained in this Agreement shall be construed to entitle City to bring any action against Grantor for any injury to or change in the Easement Property resulting from causes beyond Grantor's control, including, without limitation, fire, flood, storm, and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Easement Property resulting from such causes.

14. Amendment. If circumstances arise under which an amendment to or modification of this Agreement is appropriate, the Grantor, or the then current owner of the Easement Property, and City are free to jointly amend this Agreement without prior notice to any other party; provided that any amendment shall be in writing; shall be consistent with the purpose of the Easement; and shall not affect its perpetual duration.

15. Termination. The rights granted to City may be terminated, extinguished, amended or modified only by:

- a. the agreement of the parties, or
- b. by final order of a court of competent jurisdiction based on a finding that the Easement Property has been abandoned by the City, or that the continued use of the Easement Property for the purposes set forth in this Agreement has become wholly impossible.

16. Assignment. The Easement is transferable, but City may assign its rights and obligations under this Agreement only to an organization that is a qualified organization at the time of transfer under Section 170(h) of the Internal Revenue Code of 1954, as amended, and the applicable regulations promulgated thereunder and authorized to acquire and hold conservation easements. As a condition of such transfer, City shall require that the conservation purposes which this grant is intended to advance continue to be carried out.

17. Subsequent Transfers. Grantor agrees to incorporate the terms of this Agreement in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Easement Property, including, without limitation, a leasehold interest or to otherwise make such deed or other legal instrument subject to the terms of this Agreement. The failure of Grantor to perform any act required by this paragraph shall not impair the validity of the Easement or limit its enforceability in any way.

18. Grantor Liability. The Parties agree that Grantor shall have the protections afforded to a landowner by T.C.A. Sec.70-7-101 et seq, and shall not be liable for damage or injury claimed by any third party utilizing any portion of the Easement Property, excepting only for willful and wanton acts or gross negligence of Grantor.

19. General Provisions.

a. Controlling Law. The interpretation and performance of this Agreement shall be governed by the laws of the State of Tennessee, notwithstanding any conflict of laws provisions.

b. Liberal Construction. Any general rule of construction to the contrary notwithstanding, this Agreement shall be liberally construed in favor of the grant to effect the purpose of the Easement and the policies and purposes of Tenn. Code Ann. §§ 66-9-301 to 309, 11-10-103 and 11-10-105. If any provision in this instrument is found to be ambiguous, an interpretation consistent with the purpose of the Easement that would render the provision valid shall be favored over any interpretation that would render it invalid.

c. Severability. If any provision of this Agreement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Agreement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, shall not be affected thereby.

d. Entire Agreement. This instrument sets forth the entire agreement of the parties with respect to the Easement and the Easement Property, and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Easement or the Easement Property, all of which are merged herein. No alteration or variation of this instrument shall be valid or binding unless contained in an amendment that complies with paragraph ten (10).

e. Successors. The covenants, terms, conditions, and restrictions of this Agreement shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns, and shall continue as a servitude running in perpetuity with the Easement Property.

f. Recording. Grantor understands that City will record this instrument with the Rutherford County Register's Office.

TO HAVE AND TO HOLD said Easement unto City, its successors, and assigns, forever.

SUNSET ON THE STONES RIVER, LLC

BY: Notes Live Real Estate Development,  
LLC, Manager

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its.: \_\_\_\_\_

ACCEPTED:

CITY OF MURFREESBORO

By: \_\_\_\_\_  
Shane McFarland, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Brown, City Recorder

Notary Blocks on Following Page

STATE OF \_\_\_\_\_ )  
 : ss  
COUNTY OF \_\_\_\_\_ )

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared \_\_\_\_\_ with whom I am personally acquainted or who proved to me on the basis of satisfactory evidence, who acknowledged that he is the \_\_\_\_\_ of Notes Live Real Estate Development, LLC, the Manager of Sunset on the Stones River, LLC, and that he executed the within and foregoing instrument as such \_\_\_\_\_ for the purposes therein contained.

WITNESS MY HAND, and Official Seal on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_.

STATE OF TENNESSEE )  
 : ss  
COUNTY OF RUTHERFORD )

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared SHANE McFARLAND and JENNIFER BROWN, with whom I am personally acquainted or who proved to me on the basis of satisfactory evidence, and who, upon their oath acknowledged themselves to be respectively the Mayor and City Recorder of the City of Murfreesboro, and that they as such Mayor and City Recorder, being authorized to do so, executed the within and foregoing instrument for the purposes therein contained, by signing thereto the name of said City, and by attesting said instrument, by themselves as such Mayor and City Recorder, respectively.

WITNESS MY HAND, and Official Seal at office in Murfreesboro, Tennessee, on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_.

**SUNSET ON THE STONES RIVER, LLC.  
MAP 91H, GROUP B, PARCEL 5.00  
PLAT BOOK 29, PAGE 184 R.O.R.C., TN**

**MAP 91H, GROUP B, PARCEL 5.01  
RECORD BOOK 2307, PAGE 2382 R.O.R.C., TN**

**RECORD BOOK 2307, PAGE 2387 R.O.R.C., TN**

**83893 SQUARE FEET, 1.926 ACRES +/-**

A PARCEL OF LAND LYING IN THE 13<sup>TH</sup> CIVIL DISTRICT OF RUTHERFORD COUNTY, TENNESSEE AND BOUNDED IN GENERAL BY SUNSET ON THE STONES RIVER, LLC. (MAP 91H, GROUP B, PARCEL 5.00), SWANSON DEVELOPMENT LP – RIVER PARK LOTS 1 & 2 – LOT 1 (MAP 91H, GROUP A, PARCEL 2.00) – P.B. 42, PG. 198 (R.O.R.C., TN) NORTH, THE REMAINING LANDS OF CITY OF MURFREESBORO (MAP 91H, GROUP A, PARCEL 2.03) (R.O.R.C., TN) – R.B. 1735, PG. 3952 "PARCEL A" (R.O.R.C., TN) ON THE EAST, CITY OF MURFREESBORO (MAP 91, PARCEL 9.00) – D.B. 161, PG. 187 (R.O.R.C., TN) ON THE SOUTH, CITY OF MURFREESBORO (MAP 91, PARCEL 3.00) – D.B. 633, PG. 742 (R.O.R.C., TN) ON THE SOUTH AND WEST, AND GATEWAY JOINT VENTURE – MURFREESBORO GATEWAY MARK PIRTLE RESUB LOT 3 – LOT 3B P.B. 48, PG. 133 (R.O.R.C., TN) ON THE WEST BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING** AT A POINT LOCATED AT THE WEST CORNER OF SUNSET ON THE STONES RIVER, LLC. (MAP 91H, GROUP B, PARCEL 5.00), THE NORTHMOST POINT OF GATEWAY JOINT VENTURE, AND THE SOUTHEAST RIGHT-OF-WAY OF GATEWAY BOULEVARD, S 40° 21' 27" E FOR A DISTANCE OF 652.67'; THENCE, S 16°55'02" E FOR A DISTANCE OF 37.64' TO THE **POINT OF BEGINNING**; THENCE, ACROSS THE REMAINING LANDS OF SUNSET ON THE STONES RIVER, LLC. PARCEL 5.00 FOR THE FOLLOWING CALLS:

N 79°29'04" E FOR A DISTANCE OF 40.52' TO A POINT;  
THENCE, S 88°37'10" E FOR A DISTANCE OF 150.25' TO A POINT;  
THENCE, S 83°24'12" E FOR A DISTANCE OF 127.33' TO A POINT BEING THE SOUTHWEST CORNER OF SWANSON DEVELOPMENT LP. PARCEL 2.00; THENCE, WITH THE SOUTH LINE OF SWANSON DEVELOPMENT LP PARCEL 2.00 FOR THE FOLLOWING CALLS:

S 71°03'02" E FOR A DISTANCE OF 350.29' TO A POINT;  
THENCE, S 21°14'55" W FOR A DISTANCE OF 3.65' TO A POINT;  
THENCE, S 68°45'05" E FOR A DISTANCE OF 180.26' TO A POINT BEING THE NORTHWEST CORNER OF THE CITY OF MURFREESBORO PART OF PARCEL 2.03 "PARCEL A"; THENCE, WITH THE WEST LINE OF "PARCEL A" S 11°28'02" W FOR A DISTANCE OF 126.30' TO A POINT, ON THE NORTH LINE OF CITY OF MURFREESBORO (MAP 91, PARCEL 9.00) – D.B. 161, PG. 187 (R.O.R.C., TN); THENCE, WITH SAID LINE N 75°37'06" W FOR A DISTANCE OF 196.83' TO A POINT; THENCE, WITH THE EAST LINE OF THE CITY OF MURFREESBORO (MAP 91, PARCEL 3.00) – D.B. 633, PG. 742 (R.O.R.C., TN) N 11°24'41" E FOR A DISTANCE OF 98.62' TO A POINT; THENCE, WITH THE CITY OF MURFREESBORO NORTH LINE (MAP 91, PARCEL 3.00) – D.B. 633, PG. 742 (R.O.R.C., TN) FOR THE FOLLOWING CALLS:

N 75°59'02" W FOR A DISTANCE OF 84.73' TO A POINT;  
THENCE, N 81°37'10" W FOR A DISTANCE OF 176.96' TO A POINT;  
THENCE, N 82°37'30" W FOR A DISTANCE OF 180.90' TO A POINT;  
THENCE, N 88°37'10" W FOR A DISTANCE OF 104.02' TO A POINT;  
THENCE, S 80°30'46" W FOR A DISTANCE OF 45.65' TO A POINT;  
THENCE, N 16°55'02" W FOR A DISTANCE OF 111.88' TO THE POINT OF BEGINNING, HAVING AN AREA OF 83,893 SQUARE FEET, 1.926 ACRES +/-

THIS TRACT IS SUBJECT TO ANY EASEMENTS, RECORDED OR BY PRESCRIPTION, THAT A COMPLETE AND ACCURATE TITLE REPORT MAY REVEAL.

BEING A PORTION OF THE SAME PROPERTIES CONVEYED TO **SUNSET ON THE STONES RIVER, LLC.** BY DEED OF RECORD IN BOOK 2307, PAGE 2382 AND OF RECORD IN PLAT BOOK 29, PAGE 184 IN THE REGISTER'S OFFICE OF RUTHERFORD COUNTY, TENNESSEE.

**EXHIBIT A**

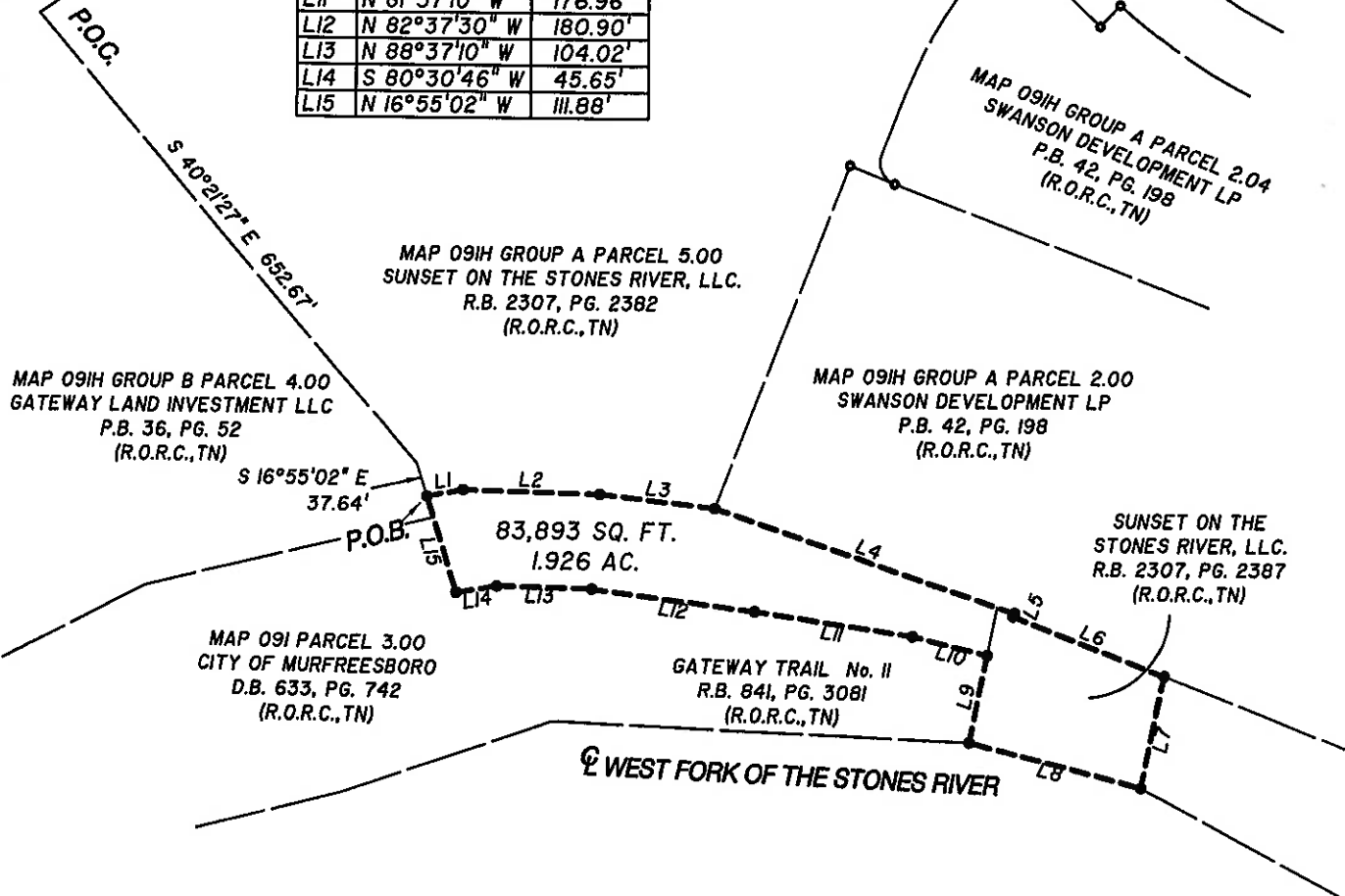


MEDICAL CENTER PARKWAY

GATEWAY BLVD.

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	N 79°29'04" E	40.52'
L2	S 88°37'10" E	150.25'
L3	S 83°24'12" E	127.33'
L4	S 71°03'02" E	350.29'
L5	S 21°14'55" W	3.65'
L6	S 68°45'05" E	180.26'
L7	S 11°28'02" W	126.30'
L8	N 75°37'06" W	196.83'
L9	N 11°24'41" E	98.62'
L10	N 75°59'02" W	84.73'
L11	N 81°37'10" W	176.96'
L12	N 82°37'30" W	180.90'
L13	N 88°37'10" W	104.02'
L14	S 80°30'46" W	45.65'
L15	N 16°55'02" W	111.88'



**AGREEMENT FOR GRANT OF CONSERVATION EASEMENT  
MAP 091H, GROUP B PARCELS  
5.00 & P/O 2.03  
R.B. 2307, PG. 2382  
R.B. 2307, PG. 2387  
(R.O.R.C., TN)**

**EXHIBIT B**

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 11, 2023

**6:00 PM**

**CITY HALL**

**MEMBERS PRESENT**

Ken Halliburton, Vice-Chair  
Jami Averwater  
Bryan Prince  
Warren Russell  
Chase Salas  
Shawn Wright

**STAFF PRESENT**

Greg McKnight, Planning Director  
Matthew Blomeley, Assistant Planning Director  
Margaret Ann Green, Principal Planner  
Marina Rush, Principal Planner  
Amelia Kerr, Planner  
Joel Aguilera, Planner  
Carolyn Jaco, Recording Assistant  
Roman Hankins, Assistant City Attorney  
Sam Huddleston, Executive Dir. Dev't Services  
Darren Gore, Assistant City Manager  
Russell Gossett, Director of Solid Waste

**1. Call to order.**

Vice-Chairman Ken Halliburton called the meeting to order at 6:00 p.m.

**2. Determination of a quorum.**

Vice-Chairman Ken Halliburton determined that a quorum was present.

**3. Approve minutes of the December 7, 2022, and December 14, 2022, Planning Commission meeting.**

Ms. Jami Averwater moved to approve the minutes of the December 7, 2022 and December 14, 2022 Planning Commission meetings; the motion was seconded by Mr. Shawn Wright and carried by the following vote:

Aye: Ken Halliburton

Jami Averwater

Bryan Prince

Warren Russell

Chase Salas

Shawn Wright

Nay: None



# MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 11, 2023

## 4. Public Hearings and Recommendations to City Council:

Zoning application [2022-426] for approximately 4.1 acres located east of Memorial Boulevard to be rezoned from RS-15 to PCD (Memorial Plaza PCD), B & N Patel applicant. Ms. Margaret Ann Green presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

Mr. Matt Taylor (design engineer) and Mr. Tom Meeks (architect) were in attendance representing the application. Mr. Matt Taylor gave a PowerPoint presentation of the Pattern Book, which Pattern Book is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

Vice-Chairman Ken Halliburton opened the public hearing.

1. **Ms. Cathryn Fowler, 129 Brentmeade Drive** – requested speed bumps to be placed on the streets to slow down traffic due to safety concerns.
2. **Mr. Harold Richardson, 133 Brentmeade Drive** – opposes the stub street being opened due to safety concerns with increased traffic.
3. **Ms. Kara Ivy, 3307 Yorkshire Court** - opposes the stub street being opened due to safety concerns with increased traffic.
4. **Mr. Wendell Burnett, 326 Brewster Court** – opposes the zoning request and the stub street being opened due to safety concerns with increased traffic.
5. **Mr. Robert Fowler, 129 Brentmeade Drive** – opposes the stub street being opened due to safety concerns with increased traffic.
6. **Ms. Caryl Holthouse, 118B Fairfax Drive** – wanted to know where would the berm and fence are proposed to end along Fairfax Drive.

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 11, 2023

Vice-Chairman Ken Halliburton closed the public hearing.

Ms. Margaret Ann Green addressed the neighbors' traffic concerns, and Mr. Matt Taylor discussed the fencing and landscaping along the northern property line.

Mr. Chase Salas requested that a deceleration lane be added along Memorial Boulevard to allow traffic to turn into this site. Mr. Matt Taylor stated he would address this during site plan review.

There being no further discussion, Mr. Chase Salas moved to approve the zoning application subject to all staff comments as well as a fence being included along the northern property line adjacent to any residential properties; the motion was seconded by Ms. Jami Averwater and carried by the following vote:

Aye: Ken Halliburton

Jami Averwater

Bryan Prince

Warren Russell

Chase Salas

Shawn Wright

Nay: None

**Annexation petition and plan of services [2022-507] for approximately 0.81 acres located along South Church Street and Highfield Drive, Sam Willard applicant.** Ms. Marina Rush presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

Mr. Matt Taylor (design engineer) was in attendance representing the application.

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 11, 2023

Vice-Chairman Ken Halliburton opened the public hearing. No one came forward to speak for or against the annexation petition and plan of services; therefore, Vice-Chairman Ken Halliburton closed the public hearing.

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

Aye: Ken Halliburton

Jami Averwater

Bryan Prince

Warren Russell

Chase Salas

Shawn Wright

Nay: None

**Zoning application [2022-428] for approximately 0.54 acres located along South Church Street and Highfield Drive to be zoned PCD (South Church Street Corner PCD) simultaneous with annexation, Salem Investment Partners applicant.** Ms. Marina Rush presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

Mr. Matt Taylor (design engineer) and Mr. Steven Dotson (developer) were in attendance representing the application. Mr. Matt Taylor gave a PowerPoint presentation of the Pattern Book, which Pattern Book is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 11, 2023

Vice-Chairman Ken Halliburton opened the public hearing. No one came forward to speak for or against the zoning application; therefore, Vice-Chairman Ken Halliburton closed the public hearing.

The Planning Commission discussed the options for the applicant to provide connectivity to the adjoining lot to the south.

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

Aye: Ken Halliburton  
Jami Averwater  
Bryan Prince  
Warren Russell  
Chase Salas  
Shawn Wright

Nay: None

**Annexation petition and plan of services [2022-508] for approximately 22.3 acres located along Butler Drive, City of Murfreesboro Administration Department applicant.** Ms. Marina Rush presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

Vice-Chairman Ken Halliburton opened the public hearing. No one came forward to speak for or against the annexation petition and plan of services; therefore, Vice-Chairman Ken Halliburton closed the public hearing.

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 11, 2023

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

Aye: Ken Halliburton

Jami Averwater

Bryan Prince

Warren Russell

Chase Salas

Shawn Wright

Nay: None

**Zoning application [2022-429] for approximately 22.3 acres located along Butler Drive to be zoned H-I simultaneous with annexation, City of Murfreesboro Administration Department applicant.** Ms. Marina Rush presented the Staff Comments

regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

Mr. Darren Gore, Assistant City Manager, gave a PowerPoint presentation for the proposal.

Vice-Chairman Ken Halliburton opened the public hearing.

1. **Ms. Amy Acla, 3010 Wentworth Court** – voiced her concerns with possible odors and how that would be addressed.
2. **Ms. Lynn Buchanan, 3342 Mossey Lane** – voiced her concerns with possible odors; and the traffic pattern with trucks connecting with Joe B Jackson Parkway.

Vice-Chairman Ken Halliburton closed the public hearing.

Mr. Darren Gore addressed the traffic and odor concerns.

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 11, 2023

The Planning Commission asked for information regarding hours of operation and the number of trucks per day. Mr. Darren Gore and Mr. Russell Gossett addressed these concerns.

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

Aye: Ken Halliburton

Jami Averwater

Bryan Prince

Warren Russell

Chase Salas

Shawn Wright

Nay: None

## 5. Staff Reports and Other Business:

**Mandatory Referral [2022-731] to consider the abandonment of drainage and sanitary sewer easements on property located north of Medical Center Parkway and along Roby Corlew Lane, Chris Mabery of Ragan Smith representing Hines Clari Park Land Holdings, LLC applicant.** Ms. Amelia Kerr presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

There being no further discussion, Ms. Jami Averwater moved to approve the mandatory referral subject to all conditions recommended by Staff in the Staff Comments; the motion was seconded by Mr. Chase Salas and carried by the following vote:

Aye: Ken Halliburton

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 11, 2023

Jami Averwater

Bryan Prince

Warren Russell

Chase Salas

Shawn Wright

Nay: None

**Mandatory Referral [2022-732] to consider the abandonment of sanitary sewer and water line easements at Saint Thomas Rutherford Hospital on Medical Center Parkway, Rob Whitson of Gresham Smith on behalf of Saint Thomas Rutherford Hospital applicant.** Ms. Amelia Kerr presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

There being no further discussion, Mr. Chase Salas moved to approve the mandatory referral subject to all conditions recommended by Staff in the Staff Comments; the motion was seconded by Ms. Jami Averwater and carried by the following vote:

Aye: Ken Halliburton

Jami Averwater

Bryan Prince

Warren Russell

Chase Salas

Shawn Wright

Nay: None

**Mandatory Referral [2022-730] to consider the dedication of an electric easement located on City-owned property west of Beasie Road, City of Murfreesboro applicant.**

Mr. Joel Aguilera presented the Staff Comments regarding this item, a copy of which is

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 11, 2023

maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

There being no further discussion, Mr. Shawn Wright moved to approve the mandatory referral subject to all conditions recommended by Staff in the Staff Comments; the motion was seconded by Ms. Jami Averwater and carried by the following vote:

Aye: Ken Halliburton

Jami Averwater

Bryan Prince

Warren Russell

Chase Salas

Shawn Wright

Nay: None

Mr. Matthew Blomeley reminded the Planning Commissioners their next Planning Commission meeting would be next Wednesday, January 18, 2023 at 1:00 p.m.

## 6. **Adjourn.**

There being no further business the meeting adjourned at 8:00 p.m.

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Chair

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Secretary

GM: cj



# MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 18, 2023

CITY HALL

1:00 PM

## MEMBERS PRESENT

Kathy Jones, Chair  
Ken Halliburton, Vice-Chair  
Jami Averwater  
Bryan Prince  
Warren Russell  
Chase Salas  
Shawn Wright

## STAFF PRESENT

Greg McKnight, Planning Director  
Matthew Blomeley, Assistant Planning Director  
Margaret Ann Green, Principal Planner  
Marina Rush, Principal Planner  
Holly Smyth, Principal Planner  
Brad Barbee, Planner  
Joel Aguilera, Planner  
Gabriel Moore, Project Engineer  
Jennifer Knauf, Project Engineer  
Carolyn Jaco, Recording Assistant  
Roman Hankins, Assistant City Attorney  
Sam Huddleston, Assistant City Manager

### 1. Call to order.

Chair Kathy Jones called the meeting to order at 1:00 p.m.

### 2. Determination of a quorum.

Chair Kathy Jones determined that a quorum was present.

### 3. Consent Agenda:

**Muirwood, Section 3, Phase 2 [2022-1027]** preliminary plat for 30 lots on 14.9 acres located along Rucker Lane zoned RM/PRD in the unincorporated County and served as an outside the City sewer customer, 360 Development, LLC developer.

**Kingdom Crest Commercial, Section 2 [2022-1029]** preliminary plat for 5 lots on 13.5 acres zoned CH located along Veterans Parkway and Jack Byrnes Drive, Swanson Development, LP developer.

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 18, 2023

**Lasseter, Resubdivision of Lot 9 (including the Resubdivision of Lot 3 of the Uptown Subdivision) [2022-2097]** final plat for 1 lot on 1.1 acres zoned CH & CCO located along Memorial Boulevard & Poplar Avenue, Bowling Enterprises, LLC developer.

**Laurelstone, Resubdivision of Lot 44 [2022-2091]** final plat for 4 lots on 0.42 acres zoned PRD located along Laurelstone Drive, Clayton Properties Group, Inc. developer.

**Laurelstone, Resubdivision of Lot 5 [2022-2092]** final plat for 2 lots on 0.24 acres zoned PRD located along Laurelstone Drive, Clayton Properties Group, Inc. developer.

**Brookhaven Place, Resubdivision of Lots 4 and 7 [2022-2093]** final plat for 3 lots on 12.3 acres zoned CH located along Memorial Boulevard and Eleanor Way, Salem Investment Partners, Inc. and Jewell M. Hale developers.

**A&A Home Solutions, Lot 1 [2022-2094]** final plat for 1 lot on 0.19 acres zoned RD and CCO located along East State Street, A&A Home Solutions, LLC developer.

**Hearthwood Development, Section 1, Phase 2, and the Resubdivision of Lots 2 and 3 [2022-2096]** final plat for 3 lots on 5.6 acres zoned CH located along South Rutherford Boulevard and Haven Drive, Hearthstone Development, LLC developer.

**Sloan's Motorcycles [2022-3162]** site plan for entrance drive modification at an existing motorcycle sales business on 3.1 acres zoned CH located at 2233-2247 Northwest Broad Street, William & Sharon Sloan developer.

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

Aye: Kathy Jones

Ken Halliburton

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 18, 2023

Jami Averwater

Bryan Prince

Warren Russell

Chase Salas

Shawn Wright

Nay: None

#### 4. Old Business:

**Zoning application [2022-422] for approximately 10.1 acres located at 694 & 708 West Thompson Lane to be rezoned from RS-15 to PRD (Cherry Blossom Downs PRD), BA Homes, LLC applicant.** Ms. Margaret Ann Green presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

The Planning Commission and Staff discussed the architectural elevations and landscaping for this development. Chair Kathy Jones expressed her concerns about this proposal being reviewed for the third time and still not much had been changed with the elevations.

Mr. Rob Molchan (landscape architect) and Mr. Brian Burns (developer) were in attendance representing the application. Mr. Rob Molchan explained the improvements that been made to the four different elevations. Mr. Brian Burns came forward agreeing to provide a Type A landscaping buffer for this development along the western boundary.

There being no further discussion, Vice-Chairman Ken Halliburton moved to approve the zoning application subject to the applicant including a Type A landscaping buffer in an easement with a three-year landscaping bond and shutters to be added on the sides of structures that would be facing the roads; the motion was seconded by Mr. Shawn Wright and carried by the following vote:

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 18, 2023

Aye: Ken Halliburton

Jami Averwater

Bryan Prince

Warren Russell

Chase Salas

Shawn Wright

Nay: Kathy Jones

## 5. GDO:

### On Motion

**Fountains at Gateway, Lot 1 [2022-2097] final plat for 1 lot on 5.1 acres zoned MU & GDO-3 located along Medical Center Parkway, City of Murfreesboro developer.** Mr. Joel Aguilera presented Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

There being no further discussion, Mr. Shawn Wright moved to approve the final plat subject to all staff comments; the motion was seconded by Mr. Warren Russell and carried by the following vote:

Aye: Kathy Jones

Ken Halliburton

Jami Averwater

Bryan Prince

Warren Russell

Chase Salas

Shawn Wright

Nay: None

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 18, 2023

Meadowlark [2022-6019 & 2022-3148] final design & site plan review of 77 townhouse dwellings and 27 single-family, detached dwellings on 10.8 acres zoned PRD, GDO-1, & GDO-2 along Willowoak Trail and Wilkinson Pike, Toll Southeast LP Company, Inc., developer. Ms. Margaret Ann Green presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

The Planning Commission discussed parking and the proposed pavilion and fireplace.

Mr. Jordan Hartigan (developer) and Mr. Rob Molchan (landscape architect) were in attendance representing the application. Mr. Rob Molchan addressed the parking for the development. Mr. Jordan Hartigan agreed to continue working with staff on the design of the pavilion/fireplace architecture.

There being no further discussion, Vice-Chairman Ken Halliburton moved to approve the final design and site plan review subject to all staff comments and delegating final approval of the design of the pavilion/fireplace architecture to staff; the motion was seconded by Mr. Chase Salas and carried by the following vote:

Aye: Kathy Jones  
Ken Halliburton  
Jami Averwater  
Bryan Prince  
Warren Russell  
Chase Salas  
Shawn Wright

Nay: None

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 18, 2023

## 6. Plats and Plans:

### On Motion

**TT Productions [2022-3156] site plan for approximately 900 ft2 artisan distillery zoned CH located at 502B South Maney Avenue, J.H. Cor developer.** Ms. Holly Smyth 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. Jim Douglas (applicant) was in attendance representing the application.

There being no further discussion, Mr. Shawn Wright moved to approve the site plan subject to all staff comments; the motion was seconded by Mr. Chase Salas and carried by the following vote:

Aye: Kathy Jones

Ken Halliburton

Jami Averwater

Bryan Prince

Warren Russell

Chase Salas

Shawn Wright

Nay: None

## 7. New Business:

### Schedule Public Hearings

**Zoning application [2022-427] for approximately 9.8 acres located along the east side of Agripark Drive to be rezoned from CH to PRD (Arden at Murfreesboro PRD), FC**

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 18, 2023

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

The Planning Commission and Staff discussed parking and the height of the proposed building.

Mr. Rob Molchan (landscape architect) and Mr. Kevin Woodley (developer) were in attendance representing the application. Mr. Kevin Woodley provided some additional details regarding the proposed development.

There being no further discussion, Vice-Chairman Ken Halliburton moved to schedule a public hearing for February 1, 2023; the motion was seconded by Mr. Chase Salas and carried by the following vote:

Aye: Kathy Jones  
Ken Halliburton  
Jami Averwater  
Bryan Prince  
Warren Russell  
Chase Salas  
Shawn Wright

Nay: None

Zoning Ordinance amendment [2023-801] regarding amendments to Section 34: Floodplain Zoning, City of Murfreesboro Planning Department applicant. Ms. Jennifer Knauf 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.

# MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 18, 2023

There being no further discussion, Mr. Shawn Wright moved to schedule a public hearing on February 1, 2023; the motion was seconded by Mr. Warren Russell and carried by the following vote:

Aye: Kathy Jones  
Ken Halliburton  
Jami Averwater  
Bryan Prince  
Warren Russell  
Chase Salas  
Shawn Wright

Nay: None

**Annexation petition and plan of services [2023-501] for approximately 146 acres located along Highway 99 south of Clearidge Drive, City of Murfreesboro applicant.**

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

There being no further discussion, Ms. Jami Averwater moved to schedule a public hearing on February 1, 2023; the motion was seconded by Mr. Shawn Wright and carried by the following vote:

Aye: Kathy Jones  
Ken Halliburton  
Jami Averwater  
Bryan Prince  
Warren Russell  
Chase Salas



# MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 18, 2023

Shawn Wright

Nay: None

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

No Staff Reports or Other Business.

**9. Adjourn.**

There being no further business the meeting adjourned at 2:40 p.m.

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Chair

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Secretary

CM: cj