

CITY OF MURFREESBORO PLANNING COMMISSION AGENDA

City Hall, 111 W. Vine Street, Council Chambers

**AUGUST 2, 2023
6:00 PM**

**Kathy Jones
Chair**

- 1. Call to order**
- 2. Determination of a quorum.**
- 3. Public Comments.**
- 4. Approve minutes of the July 12, 2023, and July 19, 2023, Planning Commission meetings.**
- 5. Public Hearings and Recommendations to City Council:**
 - a. Proposed amendment to the Zoning Ordinance [2023-802] regarding the maximum height of structures and pertaining to the following sections:
 - Section 25: Temporary and Accessory Structures and Uses;
 - Section 31: Wireless Telecommunications Towers and Antennas; and
 - Chart 2: Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios (including Chart 2 endnotes),
City of Murfreesboro Planning Department applicant.
- 6. Staff Reports and Other Business:**
 - a. Possible amendment to 2023 Planning Commission calendar.
- 7. .Adjourn.**

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
AUGUST 2, 2023
PROJECT PLANNER: MATTHEW BLOMELEY**

5.a. Proposed amendment to the Zoning Ordinance [2023-802] regarding the maximum height of structures and pertaining to the following sections:

- **Section 25: Temporary and Accessory Structures and Uses;**
- **Section 31: Wireless Telecommunications Towers and Antennas; and**
- **Chart 2: Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios (including Chart 2 endnotes),**

City of Murfreesboro Planning Department applicant.

This proposed amendment to the Zoning Ordinance pertains to the maximum permitted height of structures used in conjunction with government utilities or government public safety, as well as the maximum height of wireless communications towers.

Structures Related to Government Utilities or Public Safety

In general, the height of structures related to government utilities or public safety is limited to the maximum building height listed for the respective base zoning district. For example, if located in a CH zone, the maximum height of such a structure would be 75'. Some overlay districts may modify the maximum building height requirements. This means that a structure related to a government utility that needs to exceed the maximum height of the respective base or overlay zoning district can only do so with a height variance or with a rezoning of the property. For most any height variance, it is very difficult to establish compliance with the mandatory variance criteria established in the Zoning Ordinance; therefore, a height variance is not typically a feasible option. In addition, rezoning property can be time-consuming and may provide little overall benefit other than allowing for a taller structure.

When there have been multiple variance requests granted for the same type of relief from the regulations, it is appropriate to review the ordinance to see if modifications need to be made. In this instance, there have been multiple requests over the years for height variances for such structures. The ordinance amendment, as proposed, will exempt such structures, including water towers, emergency communications towers, and solid waste facility structures, from maximum height requirements (except those maximum height requirements

denoted in the Airport Overlay District regulations). These types of structures often provide a tangible benefit to the public and warrant heights that exceed the maximum height requirements of the respective zoning districts in order for them to fulfill their respective purposes and provide maximum benefit to the public. The proposed amendment will apply to both principal and accessory structures.

Antenna-Supporting Structures, Including Wireless Communications Towers

Historically, when a new communications tower has been proposed in the City, two actions by the Board of Zoning Appeals have been required by the Zoning Ordinance. The BZA has had to grant both a special use permit and a height variance, as towers have been subject to the maximum building height in the respective underlying base zoning district. As with other height variance requests, meeting the mandatory variance criteria can be difficult. However, communications towers require a certain height to be effective in providing cellular service and coverage. In addition, the federal government has recognized the public benefit that these facilities provide; thus, federal law prohibits local governments from regulating towers in a manner that prohibits or has the effect of prohibiting the provision of personal wireless services.

Requiring the applicant in these situations to apply for both a special use permit and a height variance seems redundant and puts the BZA in a position of reviewing and voting on a height variance, where compliance with the variance criteria is very difficult to prove. Staff proposes for the height of such structures to be reviewed and acted upon during the special use permit review process instead. The BZA has the authority to place reasonable conditions on the approval of special use permits in order to mitigate negative impacts to surrounding areas. This would include conditions on the height of the structure. As such, staff proposes that such structures be exempt from the standard maximum height requirements, allowing the BZA to review the height of the tower relative to the special use permit standards instead.

Action Needed:

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

ORDINANCE 23-O-26 amending Murfreesboro City Code Appendix A, Zoning, Sections 25, 31, Chart 2 and Chart 2 Endnotes, dealing with the maximum height of certain structures.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. Appendix A, Section 25, Temporary and Accessory Structures and Uses, of the Murfreesboro City Code is hereby amended by adding new subsection 25 (E)(4)(c) as follows:

- (c) Accessory structures used in conjunction with a government utility or government public safety agency, including but not limited to structures used in conjunction with water, repurified water, sanitary sewer, electricity, communications (including, but not limited to, emergency communications), and solid waste management, shall be exempt from all maximum height requirements, including those in any overlay district, except for the Airport Overlay District.

SECTION 2. Appendix A, Section 31, Wireless Telecommunications Towers and Antennas, of the Murfreesboro City Code is hereby amended by adding new subsection 31 (E)(7) as follows:

- (7) The maximum height of respective antenna-supporting structures shall be as determined by the Board of Zoning Appeals as a part of the special use permit process. However, no special use permit shall grant authority for such a structure to exceed the maximum height requirements denoted in the Airport Overlay District regulations.

SECTION 3. Appendix A, Chart 2, Minimum Lot Requirements, Minimum Yard Requirements and Land Use Intensity Ratios, of the Murfreesboro City Code is hereby amended by adding the superscript references [39] and [40] to the column heading “Maximum Height.”

SECTION 4. Appendix A, Chart 2 Endnotes, Minimum Lot Requirements, Minimum Yard Requirements and Land Use Intensity Ratios, of the Murfreesboro City Code is hereby amended by adding the following new Endnotes:

- 39. Principal and accessory structures used in conjunction with a government utility or government public safety agency, including but not limited to structures used in conjunction with water, repurified water, sanitary sewer, electricity, communications (including, but not limited to, emergency communications), and solid waste management, shall be exempt from all maximum height requirements, including those in any overlay district, except for the Airport Overlay District.
- 40. See Section 31 for maximum height for antenna-supporting structures, including wireless communications towers.

SECTION 5. That this Ordinance shall take effect fifteen (15) days after its passage upon second and final reading, the public welfare and the welfare of the City requiring it.

Passed:

Shane McFarland, Mayor

1st reading _____

2nd reading _____

ATTEST:

APPROVED AS TO FORM:

Jennifer Brown
City Recorder

DocuSigned by:
Adam F. Tucker

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Adam F. Tucker
City Attorney

SEAL

MINUTES OF THE MURFREESBORO PLANNING COMMISSION JULY 12, 2023

6:00 P.M.

CITY HALL

MEMBERS PRESENT

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

STAFF PRESENT

Greg McKnight, Exec. Director Dev. Services
Matthew Blomeley, Assistant Planning Director
Margaret Ann Green, Principal Planner
Marina Rush, Principal Planner
Holly Smyth, Principal Planner
Brad Barbee, Planner
Joel Aguilera, Planner
Carolyn Jaco, Recording Assistant
Roman Hankins, Assistant City Attorney

1. Call to order.

Mr. Matthew Blomeley, acting as Chair Pro Tem, called the meeting to order at 6:00 P.M.

2. Determination of a quorum.

Mr. Matthew Blomeley determined a quorum was present. Mr. Blomeley requested a motion be made to modify the Agenda to move Item 5.a. (Election of Officers) ahead of Item 4.

Mr. Chase Salas made a motion to move Item 5.a. ahead of Item 4 on the Agenda; the motion was seconded by Mr. Shawn Wright and carried by the following vote:

Aye: Kathy Jones
Ken Halliburton
Jami Averwater
Reggie Harris
Bryan Prince
Chase Salas
Shawn Wright

Nay: None

MINUTES OF THE MURFREESBORO PLANNING COMMISSION JULY 12, 2023

3. **Public Comments.**

Mr. Matthew Blomeley announced “Public Comments” is a new item on the Agenda to allow the public to speak regarding any items on the Agenda. This Ordinance was approved by the City Council last month. Mr. Blomeley stated that no one had signed up to speak at this meeting.

Continuing, Mr. Matthew Blomeley recognized the newest Planning Commissioner, Mr. Reggie Harris, who is attending his first meeting. He also acknowledged departing Planning Commission Mr. Warren Russell who was in the audience.

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

a. **Election of Chair and Vice-Chair for 2023-2024.**

Mr. Matthew Blomeley opened the floor for the nomination of the 2023-2024 Planning Commission Chair.

Mr. Ken Halliburton made a motion to elect Kathy Jones as Chair of the Planning Commission for the 2023-2024 year; the motion was seconded by Mr. Chase Salas and carried by the following vote:

Aye: Ken Halliburton
Jami Averwater
Reggie Harris
Bryan Prince
Chase Salas
Shawn Wright

Nay: None

Abstain: Kathy Jones

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Mr. Matthew Blomeley opened the floor for the nomination of the 2023-2024 Planning Commission Vice-Chair.

Mr. Shawn Wright made a motion to elect Ken Halliburton as Vice-Chair of the Planning Commission for the 2023-2024 year; the motion was seconded by Ms. Jami Averwater and carried by the following vote:

Aye: Kathy Jones
Jami Averwater
Reggie Harris
Bryan Prince
Chase Salas
Shawn Wright
Nay: None
Abstain: Ken Halliburton

4. Approve minutes of the June 7, 2023, and June 21, 2023, Planning Commission meetings.

Ms. Jami Averwater moved to approve the minutes of the June 7, 2023 and June 21, 2023 Planning Commission meetings; the motion was seconded by Mr. Chase Salas and carried by the following vote:

Aye: Kathy Jones
Ken Halliburton
Jami Averwater
Reggie Harris
Bryan Prince
Chase Salas
Shawn Wright
Nay: None

MINUTES OF THE MURFREESBORO PLANNING COMMISSION JULY 12, 2023

6. Public Hearings and Recommendations to City Council:

Zoning application [2023-405] for approximately 34.2 acres located west of Memorial Boulevard to be rezoned from RS-15 to PRD (Northridge Park PRD), Brightland Homes 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. Clyde Rountree (landscape architect) and Mr. Chis Maguire (design engineer) were in attendance representing the application. Mr. Clyde Rountree 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.

Chair Kathy Jones opened the public hearing.

1. **Mr. Mike Bacon, 2814 Archer Avenue** – opposes Archer Avenue becoming a thru-street for the proposed neighborhood mail kiosk.
2. **Ms. Ginger Richardson Palmer, 2803 Archer Avenue** – opposes Archer Avenue becoming a thru street with the increase of traffic from this development.
3. **Ms. Beverly Burke, 2822 Regency Park Drive** – voiced her concerns regarding drainage and how the proposed home next door to her lot would relate to her property.
4. **Ms. Kathleen Dineen, 2810 Archer Avenue** – voiced her concerns regarding safety due to the increase in traffic in this area.
5. **Ms. Karen Bingham 2903 Amber Drive** – voiced her opposition to the request and her concerns regarding drainage.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION JULY 12, 2023

6. **Ms. Jimmie Leiderman, 3022 Regency Park Drive** – voiced her concerns with speeding on Regency Park Drive.

7. **Mr. Rick Moffett, 2822 Regency Park Drive** – requested that some of the stub streets have emergency gates instead of full street connections.

There being no one else to speak, Chair Kathy Jones closed the public hearing.

Mr. Shawn Wright asked if Archer Avenue and Amber Drive could have gates to keep thru traffic off those streets. Ms. Margaret Ann Green explained the width of the existing streets and the widths of the existing rights-of-way as compared to the streets within the proposed Northridge Park development.

Mr. Shawn Wright made a motion to approve subject to all staff comments and subject to removing the Archer and Amber street connections; the motion was seconded by Ms. Jami Averwater. There was additional discussion regarding the street connections. The motion failed by a vote of three in favor and four against, as follows:

- Aye: Jami Averwater
Reggie Harris
Shawn Wright
- Nay: Kathy Jones
Ken Halliburton
Bryan Prince
Chase Salas

The Planning Commission discussed various items, including the location of the mail kiosk, how Lot 30 will relate to the home at 2822 Regency Park Drive, speeding, and connecting the existing stub streets to this development.

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Mr. Matthew Blomeley explained the opening of stub streets provides a benefit for all in this area to access Memorial Boulevard, a major arterial street. Chair Kathy Jones agreed that the stub streets had been put in place for future connection to the undeveloped property.

Mr. Chris Maguire (design engineer) came forward to discuss the traffic study and the benefits of the existing street stubs connecting to this development.

There being no further discussion, Mr. Bryan Prince moved to approve the zoning application as submitted, subject to all staff comments; the motion was seconded by Vice-Chairman Ken Halliburton and carried by the following vote:

Aye: Kathy Jones
Ken Halliburton
Bryan Prince
Chase Salas
Nay: Jami Averwater
Reggie Harris
Shawn Wright

Zoning application [2023-407] for approximately 16.5 acres located along Veterans Parkway to be rezoned from CH to PRD (approx. 12.8 acres) and PCD (approx. 3.7 acres), Cornerstone Development, 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.

Mr. Brian Grover (landscape architect), Mr. Matt Taylor (design engineer), Mr. John Harney (developer), and Mr. Joey Minge (developer) were in attendance representing the application. Mr. Brian Grover 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.

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

The Planning Commission discussed the proposal and agreed they liked the transition from the commercial use to the residential use. They were in favor of the residential walkability to the commercial area as well as the parallel parking for this development.

There being no further discussion, Mr. Shawn Wright 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: Kathy Jones
Ken Halliburton
Jami Averwater
Reggie Harris
Bryan Prince
Chase Salas
Shawn Wright

Nay: None

Zoning application [2023-406] for approximately 0.64 acres located along East Vine Street to be rezoned from RS-8 and CCO to PRD and CCO (East Vine Manor PRD), 520 Vine Street, LLC applicant. 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. Brian Grover (landscape architect), Mr. Matt Taylor (design engineer), and Mr. Travis Lytle (developer) were in attendance representing the application. Mr. Brian Grover gave a PowerPoint presentation of the Pattern Book, which Pattern Book is maintained in the

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

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

There being no further discussion, Mr. Chase Salas 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: Kathy Jones
Ken Halliburton
Jami Averwater
Reggie Harris
Bryan Prince
Chase Salas
Shawn Wright

Nay: None

Zoning application [2023-408] for approximately 1.2 acres located along North Maney Avenue and Lee Street to be rezoned from OG-R and CCO to PRD and CCO (Maney Estates PRD), BNA Homes applicant. 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. Clyde Rountree (landscape architect) and Mr. Brian Burns (developer) were in attendance representing the application. Mr. Clyde Rountree 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.

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Chair Kathy Jones opened the public hearing.

1. **Ms. Bonnie Black, 513 North Maney Avenue** – opposes this request and voiced her concern that there was not a neighborhood meeting held.
2. **Mr. Cathy Green, 726 North Maney Avenue** – expressed her concerns with the proposed development.
3. **Mr. Steve Baughman, 315 North Maney Avenue** – feels the proposal can be tweaked to have only three units, not four, along North Maney Avenue.
4. **Mr. Vincent Wiggins, 714 Elliott Drive** – voiced his concerns with the number of exceptions being requested with this development.

There being no one else to speak, Chair Kathy Jones closed the public hearing.

The Planning Commission requested that one townhome in the back row be removed to allow additional formal open space, additional parking, and to improve the façade of the units.

Mr. Brian Burns came forward stating he is trying to build a product in the area that would sell, it is an economic decision. He is not in favor of some of staff's recommendations.

Mr. Shawn Wright wanted to know if a neighborhood meeting had been conducted. Mr. Blomeley answered no. Mr. Shawn Wright recommended the developer conduct a neighborhood meeting while continuing to work with staff.

There being no further discussion, Mr. Shawn Wright moved to defer the zoning application for two months; the motion was seconded by Mr. Chase Salas and carried by the following vote:

Aye: Kathy Jones

MINUTES OF THE MURFREESBORO PLANNING COMMISSION JULY 12, 2023

Ken Halliburton

Jami Averwater

Reggie Harris

Bryan Prince

Chase Salas

Shawn Wright

Nay: None

7. New Business:

Mandatory Referral [2023-724] to consider an easement across the City Greenway Trail property in connection with the construction of the Beasie Road Connector, City of Murfreesboro applicant. THIS APPLICATION WAS WITHDRAWN BY STAFF BECAUSE IT WAS ALREADY APPROVED AT A PREVIOUS PLANNING COMMISSION MEETING.

8. Adjourn.

There being no further business the meeting adjourned at 9:00 p.m.

Chair

Secretary

GM: cj

**MINUTES OF THE
MURFREESBORO PLANNING COMMISSION
JULY 19, 2023**

1:00 P.M.

CITY HALL

MEMBERS PRESENT

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

STAFF PRESENT

Greg McKnight, Exec. Director Dev. Services
Margaret Ann Green, Principal Planner
Marina Rush, Principal Planner
Holly Smyth, Principal Planner
Katie Noel, Project Engineer
Gabriel Moore, Project Engineer
Jennifer Moore, Project Engineer
Carolyn Jaco, Recording Assistant
Roman Hankins, Assistant City Attorney

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. Public Comments.

Chair Kathy Jones announced no one signed up to speak during the Public Comments portion of the agenda.

4. Consent Agenda:

MMC Lascassas [2023-2053] final plat for 4 lots on 11.1 acres zoned CF located along Lascassas Pike, Lascassas Pike Properties, LLC developer.

The Gardens at Three Rivers, Resubdivision of Lot 118 [2023-2055] final plat for 4 lots on 0.37 acres zoned PRD located along Camrose Way, HVH Three Rivers, LLC developer.

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Laurelstone, Resubdivision of Lots 21, 37, and 40 [2023-2056] final plat for 9 lots on 0.94 acres zoned PRD located along Laurelstone Drive, Clayton Properties Group, Inc. developer.

Rutherford County Public Health and Safety Building Christiana [2023-3082] site plan for a 10,731 ft² public building on 3 acres zoned IN - Institutional in the unincorporated County and served as an outside the City sewer customer located along Parsons Road and Shelbyville Pike, Rutherford County Government 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
- Jami Averwater
- Reggie Harris
- Bryan Prince
- Chase Salas
- Shawn Wright

Nay: None

5. GDO:

On Motion

Clari Park, Lot 2 (7-eleven) [2022-6008 & 2022-3060] final design & site plan review of a 4,874 ft² convenience store and 3,333 ft² gasoline canopy on 1.8 acres zoned CH and GDO-1 located along Medical Center Parkway and Willowoak Trail, SE Murfreesboro Medical, LLC developer. Ms. Margaret Ann Green presented the Staff

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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.

Ms. Morgan Salsman (civil design team) was present to represent the application.

The Planning Commission discussed the landscaping in relation to the adjacent property.

There being no further discussion, Vice-Chairman Ken Halliburton moved to approve the final design and site plan review 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
- Reggie Harris
- Bryan Prince
- Chase Salas
- Shawn Wright

Nay: None

Waterstone, Lots 1 & 2 (Murf 4 MOB) [2023-6009 & 2023-3076] initial design review of a 40,919 ft2 medical office building located on 3.5 acres zoned MU and GDO-3 located along Gateway Boulevard, Kennedy Drive, and Carl Adams Drive, Agilitas Property Development 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.

Mr. Evan Foster (design engineer) and Mr. Greg Hayden (architect) were in attendance representing the application. Mr. Foster explained the metal carport cover would be for

MINUTES OF THE MURFREESBORO PLANNING COMMISSION JULY 19, 2023

medical providers to use and for patients to be picked up. Mr. Greg Hayden stated he would continue working with staff on the design of the metal carport cover.

The Planning Commission discussed concerns with the metal carport cover.

There being no further discussion, Vice-Chairman Ken Halliburton moved to approve the application subject to improvements being made to the metal carport cover and the front cover on the front of the building before final design review; and all other staff comments; the motion was seconded by Mr. Bryan Prince and carried by the following vote:

- Aye: Kathy Jones
- Ken Halliburton
- Jami Averwater
- Reggie Harris
- Bryan Prince
- Chase Salas
- Shawn Wright

Nay: None

6. Plats and Plans:

On Motion

Dutch Brothers (Victory Station, Lot 10) [2023-3079] site plan for a 950 ft2 specialty restaurant with drive-thru on 1.43 acres zoned PUD located along Franklin Road east of Swanholme Drive, Palmetto Capital Group developer. 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.

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JULY 19, 2023**

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

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

Nay: None

Yanahli Group [2023-3085] site plan 5 five commercial buildings totaling approximately 19,345 ft2 on 3.8 acres zoned CF located along South Church Street, Yanahli Acquisition, LLC developer. 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 to represent the application. He stated that they would continue working with the owners of the neighboring Goodwill on an agreement for access connections into their site.

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

- Aye: Kathy Jones
- Ken Halliburton
- Jami Averwater

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Bryan Prince

Warren Russell

Chase Salas

Shawn Wright

Nay: None

WaWa (Warrior Village, Lot 1) [2023-3080] site plan for a 5,915 ft² convenience store with fueling canopy on 2 acres zoned CH located along New Salem Highway and Warrior Drive, JBL Partners developer. 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 other members of the WaWa design team were in attendance to represent the application. Mr. Matt Taylor explained they had worked with staff on modifications to add brick to their columns for the fuel canopy to be more substantial. The fuel canopy as designed is very important for WaWa's overall appearance.

The Planning Commission began discussing the canopy, making known they had made improvements by adding brick to the canopy columns and the canopy not having a flat roof. Vice-Chairman Ken Halliburton voiced his concerns how the fuel canopy is a change from previous approved canopies. The Planning Commission also discussed the proposed signage.

Mr. Chase Salas stated he had concerns about previous canopies being required to have a hip roof and what precedence would be set with fuel canopies moving forward. Mr. Matt Taylor commented there are many ways to comply with the ordinance.

There being no further discussion, Mr. Bryan Prince moved to approve the site plan with the canopy as submitted subject to all staff comments; the motion was seconded by Ms. Jami Averwater and carried by the following vote:

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Aye: Kathy Jones
Ken Halliburton
Jami Averwater
Reggie Harris
Bryan Prince
Shawn Wright

Nay: Chase Salas

Rutherford Crossing, Lots 7 & 8 [2023-3087] site plan for 2 commercial buildings totaling 8,660 ft² on 1.2 acres zoned CH located along Lascassas Pike, Nick Patel 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.

The Planning Commission stated that the development would be tight for pedestrians and vehicles circulating. Had there been any attempts contacting Kroger for shared parking?

Mr. Bill Huddleston (design engineer) was in attendance to represent the application. He explained they had been in conversations with Kroger in the past. They have designed the site with one-way circulation so vehicles would travel slow.

There being no further discussion, Vice-Chairman Ken Halliburton moved to approve the site plan subject to all staff comments including the amended staff comment that had been presented at the beginning of this site plan presentation; the motion was seconded by Mr. Chase Salas and carried by the following vote:

Aye: Kathy Jones
Ken Halliburton
Jami Averwater
Reggie Harris

**MINUTES OF THE
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JULY 19, 2023**

Bryan Prince

Chase Salas

Shawn Wright

Nay: None

7. New Business:

Proposed amendment to the Zoning Ordinance [2023-802] regarding the maximum height of structures and pertaining to the following sections:

Section 25: Temporary and Accessory Structures and Uses;

Section 31: Wireless Telecommunications Towers and Antennas; and

Chart 2: Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios (including Chart 2 endnotes),

City of Murfreesboro Planning Department applicant.

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

The Planning Commission discussed the proposed amendment.

Vice-Chairman Ken Halliburton asked about how this amendment would impact communications towers. Mr. Roman Hankins answered that this amendment would eliminate the need for a height variance for wireless towers and instead have the tower height considered in the special use permit process.

There being no further discussion, Mr. Shawn Wright made a motion to schedule a public hearing on August 2, 2023; seconded by Mr. Chase Salas, the motion carried by the following vote:

Aye: Kathy Jones

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Ken Halliburton

Jami Averwater

Reggie Harris

Bryan Prince

Chase Salas

Shawn Wright

Nay: None

8. Adjourn.

There being no further business the meeting adjourned at 2:30 p.m.

Chair

Secretary

GM: cj