

CITY OF MURFREESBORO PLANNING COMMISSION AGENDA

City Hall, 111 W. Vine Street, Council Chambers

**SEPTEMBER 6, 2023
6:00 PM**

**Kathy Jones
Chair**

- 1. Call to order**
- 2. Determination of a quorum.**
- 3. Public Comments.**
- 4. Approve minutes of the August 16, 2023, Planning Commission meeting.**
- 5. Public Hearings and Recommendations to City Council:**
 - a. Zoning application [2023-410] to amend the existing PND zoning (Rutherford Collegiate Prep PND) on 8.23 acres located along Manson Pike, Ryan Companies US, Inc. applicant. (Project Planner: Marina Rush)
 - b. Zoning application [2023-409] for approximately 12 acres located along medical Center Parkway to be rezoned from CH & GDO-1 to PCD & GDO-1 (The Avenue), Big V Property Group applicant. (Project Planner: Margaret Ann Green)
- 6. Staff Reports and Other Business:**
 - a. Mandatory Referral [2023-726] to consider the dedication of a MT Electric easement located along Bridge Ave. & New Salem Hwy, Murfreesboro Legal Department applicant.
 - b. Mandatory Referral [2023-727] to consider the dedication of a MT Electric easement located along Veterans Parkway & Windrow Road, Murfreesboro Legal Department applicant.
 - c. Mandatory Referral [2023-725] to consider the abandonment of a sanitary sewer easement located at 140 Joe B Jackson Parkway, Carlson Consulting Engineers, Inc. applicant. (Project Planner: Brad Barbee)
- 7. Adjourn.**

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
SEPTEMBER 6, 2023
PROJECT PLANNER, MARINA RUSH**

5.a. Zoning application [2023-410] to amend the existing PND zoning (Rutherford Collegiate Prep PND) on 8.23 acres located along Manson Pike, Ryan Companies US, Inc. applicant.

The applicant, Ryan Companies US, Inc., and school operator, ReThink Forward Inc., represented by Mr. Matt Taylor of SEC, Inc., are requesting to amend the Rutherford Collegiate Prep Planned Institutional District (PND) to modify the floor plan and increase the number of students, number of teachers and gross floor area for a charter school, grades K-8. The initial Rutherford Collegiate PND was recommended for approval by the Planning Commission on March 23, 2023, and approved by the City Council on May 18, 2023. The key changes proposed with this amendment include:

1. Increase the building square footage from 56,000 to 61,000 square feet.
2. Increase number of students, at capacity, from 770 to 1,000.
3. Increase number of classrooms from 33 to 41.
4. Increase number of teachers to 60
5. Increase maximum building height from 35 feet to 40 feet.

The subject property is located along the north side of Manson Pike and southeast of I-840, approximately 8.23 acres, and is currently developed with a single-family residence and accessory structures. The property tax map and parcel number is Tax Map 078, Parcel 01601.



Adjacent Zoning and Land Uses

The subject property is currently zoned PND, and the surrounding area is a mixture of zoning types and land uses. The land to the east is zoned Medium Density Residential (RM) in Rutherford County and is developed with a church. The land to the southwest is zoned CF and undeveloped, and other properties to the south are zoned RS-15, RS-12, and PRD and developed with single-family detached houses and single-family attached townhomes. The property to the north and northwest is the Interstate- 840 right-of-way (ROW).

Rutherford Collegiate Prep PND

The building and site design remains the same as previously approved; the changes are internal to the building by adding the second floor within the auditorium space to accommodate the additional classrooms. External changes to the building include an increase in building height from 35 feet to 40 feet, additional windows and doors for the new classrooms, and a new covered walkway. All other building design elements remain the same as the original approval, including building materials and color palette.

In addition, the site design remains the same as previously approved, including the 126 proposed parking spaces, which exceeds the minimum required per the Zoning Ordinance. The minimum parking spaces required is 100 spaces, based on the following Zoning Ordinance parking standards:

Kindergarten = 1 space per 5 seats: 6 classrooms x 25 seats = 30 spaces
Grades 1 – 9 = 2 spaces per classroom: 35 classes x 2 = 70 spaces

Parking required: 100 spaces

Parking provided: 126 spaces plus 5 HC spaces

Queuing lanes: approximately 148 spaces for pick-up/drop-off

The building will be constructed in one phase with no future additions planned at this time in the pattern book. The school hours of operation will mirror most of the nearby schools (8am - 3pm, Monday - Friday) with little to no nightly or weekend activities.



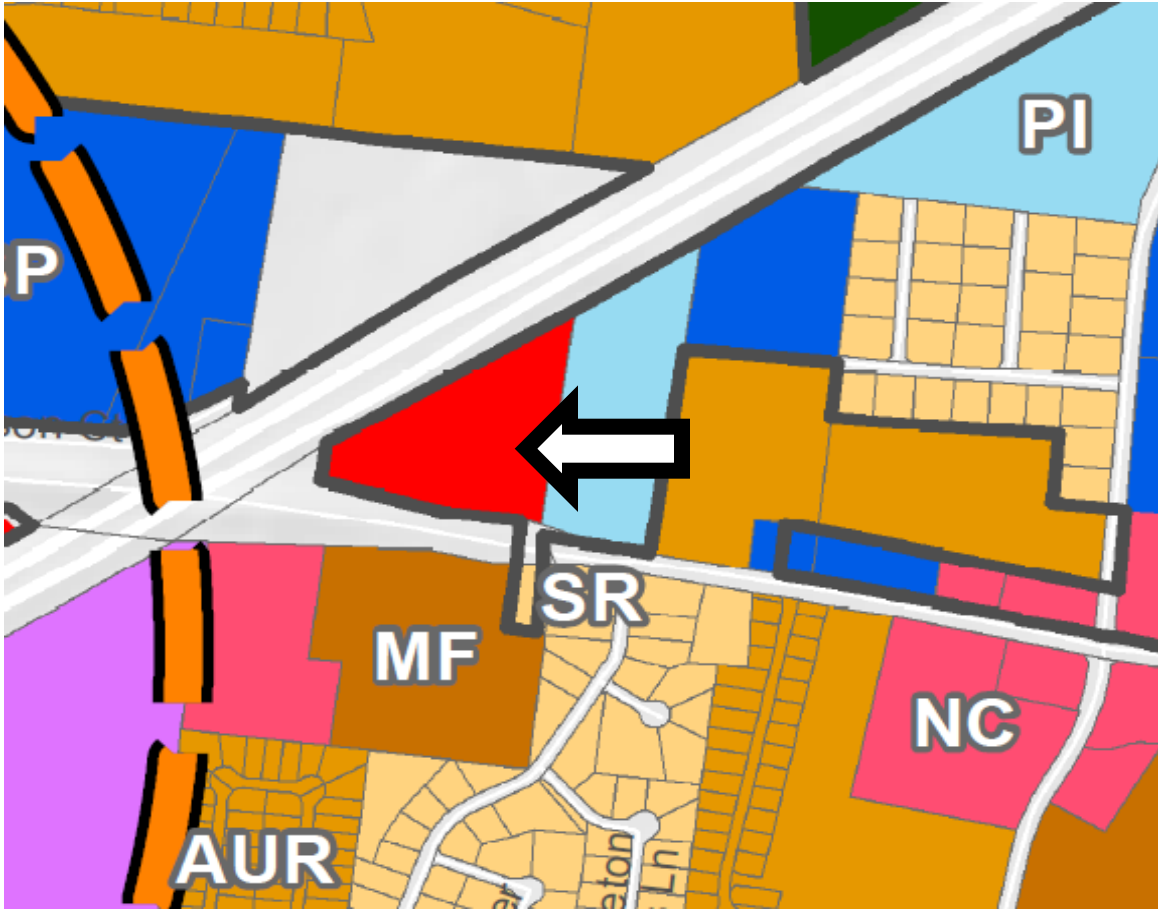
Exceptions Requested:

There are no exceptions requested.

Future Land Use Map

As noted with the original approval of this PND, the Future Land Use Map (FLUM) of the Murfreesboro 2035 Comprehensive Plan indicates “General Commercial” as the most appropriate land use character. 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 commercial uses, restaurants, etc. and requires a significant amount of land area due primarily to providing on-site parking. The institutional use as a school grades K-8 is a compatible use in this land use category as schools are an allowed use within all commercial zoning districts of the City. In addition, the study area is located within the Service Infill Line depicted on the Future Land Use Map. As such, the PND zoning for a school is consistent with this land use category and this site is within the Infill Service Line area.

Murfreesboro 2035 Comprehensive Plan Future Land Use Map (excerpt)



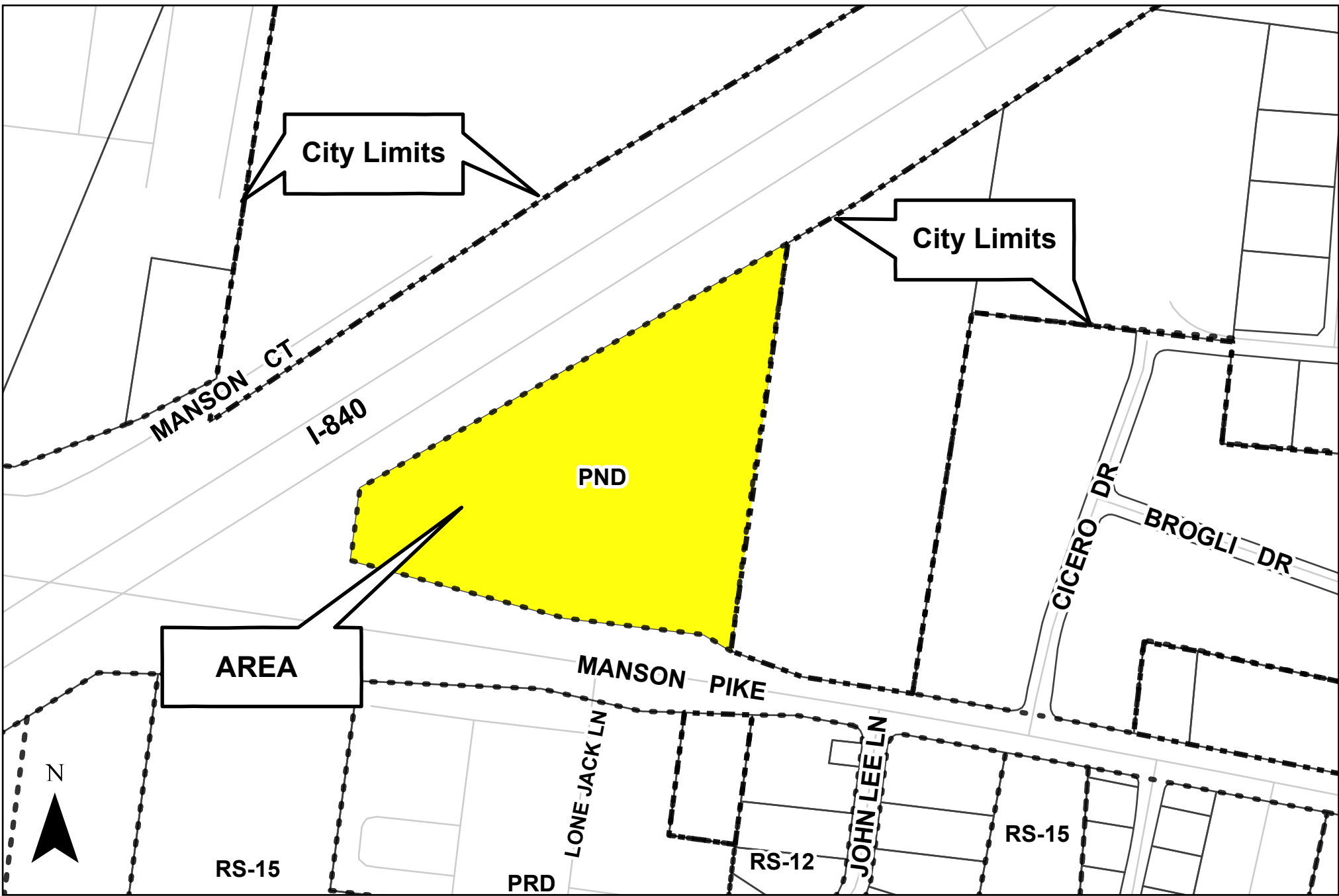
Recommendation:

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

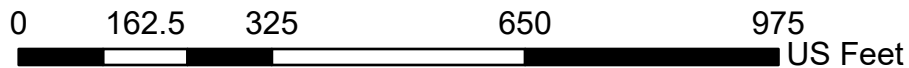
- 1) Rutherford Collegiate Prep PND zoning is consistent with the FLUM because institutional uses are compatible uses within the designated General Commercial land use category.
- 2) Rutherford Collegiate Prep PND is compatible with the adjacent institutional land use, a church, and the adjacent residential and commercial land uses in the area.

Action Needed:

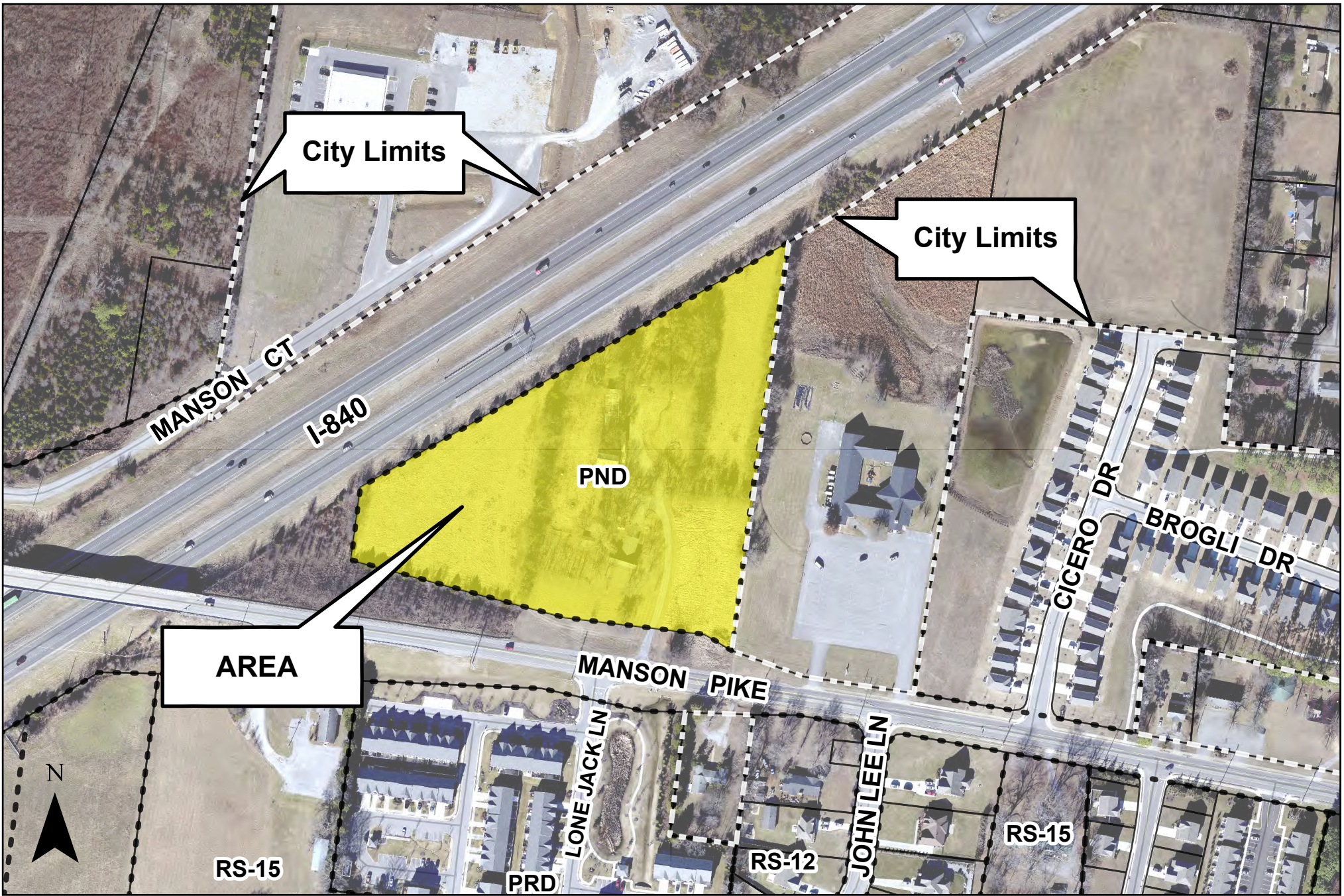
The Planning Commission will need to conduct a public hearing and then discuss the matter, after which it will need to formulate a recommendation for the City Council. The applicant's representative will be present to make a presentation and to answer any questions or provide clarifications regarding the proposed zoning amendment.



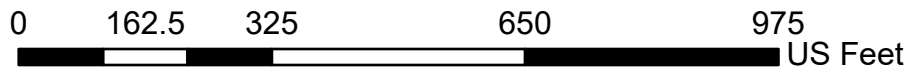
Zoning request for property along Manson Pike
 PND Amendment (Rutherford Collegiate Prep PND)



Planning Department
 City of Murfreesboro
 111 West Vine St
 Murfreesboro, TN 37130
www.murfreesborotn.gov



Zoning request for property along Manson Pike
 PND Amendment (Rutherford Collegiate Prep PND)



Planning Department
 City of Murfreesboro
 111 West Vine St
 Murfreesboro, TN 37130
www.murfreesborotn.gov



RUTHERFORD COLLEGIATE PREP
A REQUEST FOR AN AMENDMENT TO THE PLANNED INSTITUTIONAL DISTRICT (PND)
Murfreesboro, Tennessee



SEC Project #22860

Pre-Application Submittal

June 29, 2023

Initial Submittal

July 13, 2023

Resubmittal

August 25, 2023 for the September 6, 2023
Planning Commission Public Hearing



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: Ryan Companies US, Inc.
 Profession: Developer & Contractor
 Attn: Tyler Lohmiller
 Phone: (813) 204-5008
 Email: tyler.lohmiller@ryancompanies.com
 Web: www.ryancompanies.com

201 N. Franklin Street, Suite 3500
 Tampa Florida 33602



Company Name: Rethink Forward, Inc.
 Profession: Owner
 Attn: Matt Herriman
 Phone: (731) 609-6995
 Email: matt@nobleeducationinitiative.com
 Web: http://rethinkforward.org

1831 12th Avenue South, Suite 188
 Nashville, TN 37203



Company Name: Noble Education Initiative Inc.
 Profession: Scholl Managment
 Attn: Matt Herriman, Director of External Affairs & Development
 Phone: (731) 609-6995
 Email: matt@nobleeducationinitiative.com
 Web: http://rethinkforward.org

1831 12th Avenue South, Suite 188
 Nashville, TN 37203

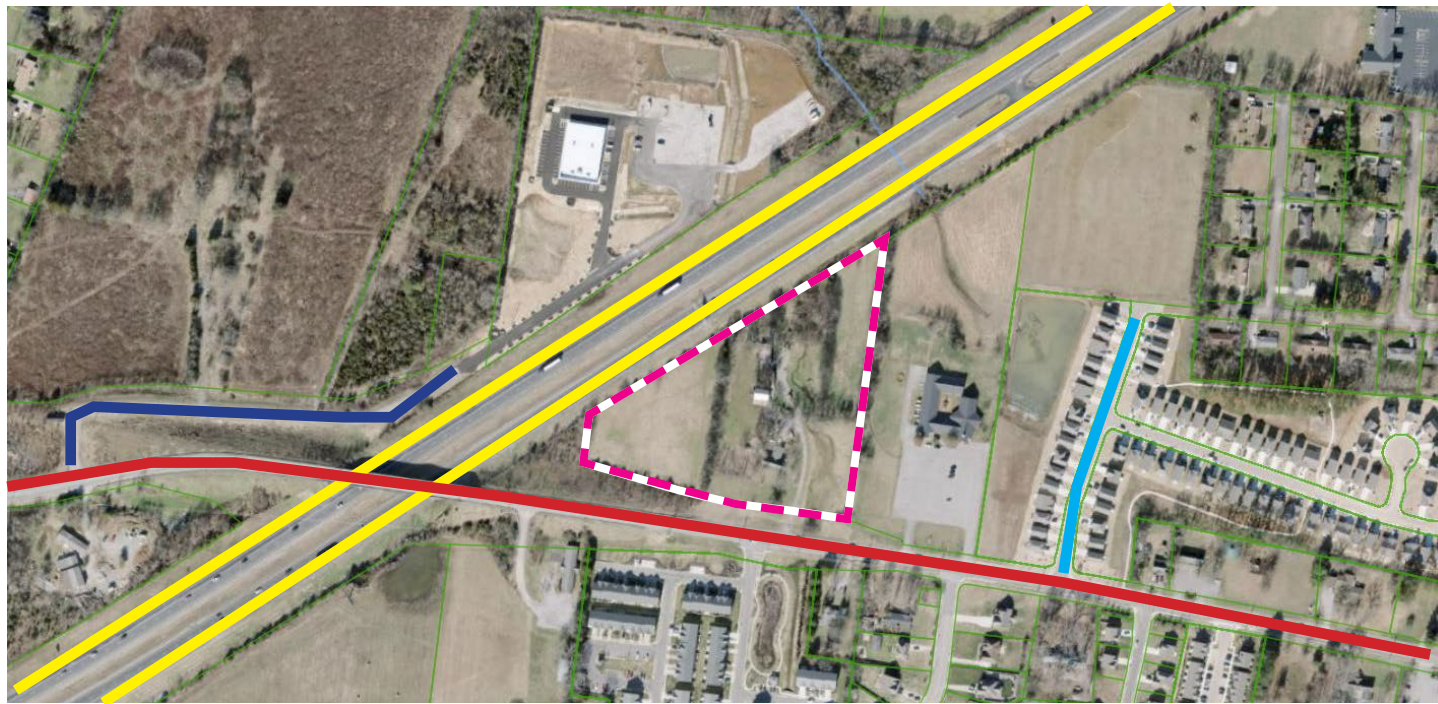


Company Name: LAI Group
 Profession: Architect
 Attn: Steve Grinavic
 Phone: 239-405-6888
 Email: steveg@laidesignassoc.com
 Web: https://laidesignassoc.com

9911 Corkscrew Road, #202
 Estero, FL 33928

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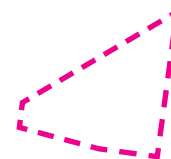
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AERIAL PHOTOGRAPH

Not To Scale

- I-840 Freeway
- Manson Court
- Manson Pike
- Cicero Drive



Site Boundary

Rethink Forward Inc., respectfully requests an amendment to the Planned Institutional District (PND) to modify the floor plan and exterior elevations for additional second-floor classrooms and increased student body to 1,000 students. The property is located along the northern side of Manson Pike and east of I-840. The site is identified as Parcel 16.01 of Tax Map 078, and is deeded for approximately 8.23 acres.

Rutherford Collegiate Prep will consist of a two story building approximately 64,000 square feet in size. The School will house 41 classrooms as well as Science, Art and Music labs. Each grade level's classrooms will consist of operable partitions to provide for an open, collaborative learning environment. The school campus will have a gymnasium/multipurpose room as well as an outdoor play field for daytime activities. At capacity, the school will educate 1,000 students (K-8th), accompanied by approximately 50-60 faculty and staff. The building will be constructed in one phase with no future additions planned at this time. The school hours of operation will mirror most of the nearby schools (8am - 3pm, Monday - Friday) with little to no nightly or weekend activities.

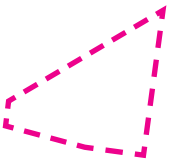
Rutherford Collegiate Prep will have access to Manson Pike and has taken steps to ensure a smooth integration with the surrounding community. School signage, designed with materials consistent with the architecture of the school, will be located along Manson Pike and anchored with landscaping.



ZONING MAP

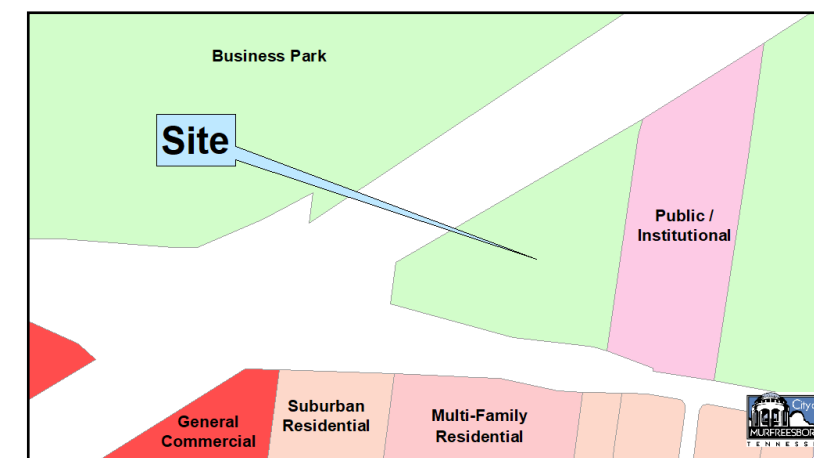
Not To Scale

- RS-15 Residential Single-Family (RS-15)
- RS-12 Residential Single-Family (RS-12)
- CF Commercial Fringe (CF)
- PRD Planned Residential District (PRD)
- RM Medium Density Residential (RM) Rutherford County
- CG Commercial General (CG) Rutherford County
- PUD Planned Unit District (PUD) Rutherford County



Site Boundary

The surrounding area consists of a mixture of zoning types and uses. The land to the east is zoned Medium Density Residential (RM-Rutherford County) and Planned Residential District (PRD-City of Murfreesboro). The land to the north, across I-840, is zoned Commercial General (CG-City of Murfreesboro). The land to the south across Manson Pike is zoned Commercial Fringe (CF-City of Murfreesboro), Residential Single-Family (RS-15-City of Murfreesboro), Medium Density Residential (RM-Rutherford County) and Planned Residential District (PRD-City of Murfreesboro). Surrounding areas consist primarily of residential developments, churches and a community center with a few commercial developments.









FUTURE LAND USE MAP (FLUM)

The current Murfreesboro Future Land Use Map (FLUM) proposes this area as Business Park. The proposed institutional development is consistent with this land use designation. The proposed FLUM is proposing this property as General Commercial, so the proposed institutional development is also consistent with the forthcoming FLUM update. In general, institutional developments are permitted in any of the City's zoning districts.



SUBDIVISION MAP

Not To Scale

- | | | |
|---|--|--|
|  Shelton Grove |  Blackman Village |  Blackman United Methodist Church |
|  Braxton Parke |  Royal Court |  RAWSO Constructors |
|  Oakton | |  Blackman Community Club |
| | |  New Life Church of God |
-  Site Boundary

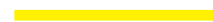


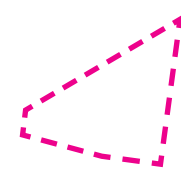
Rutherford Collegiate Prep is surrounded by a mixture of residential subdivisions, institutions, and commercial properties. Blackman Village and Royal Court are residential communities to the east of the proposed PND, consisting of either one or two story single-family detached homes with garages. The exterior elevations primarily consist of hardie board along all elevations with brick accents. Oakton and Braxton Parke are residential communities to the south of the proposed PND. Oakton consists of two story single-family detached homes with garages. The exterior elevations are a mixture of brick and vinyl. Braxton Parke is a townhome development with front loaded garages and front elevations consisting of masonry material and cement board. Shelton Square, across I-840 to the northwest, is a residential development consisting of one to two story single-family detached homes with garages. The exterior elevations consist of brick and cement board.

The proposed PND will be located within close proximity to three existing institutional uses. To the east is the Blackman United Methodist Church and the Blackman Community Club. The Blackman Community Club provides a playground, pavilions, basketball and pickle ball courts for the local community. Southwest across Manson Pike is the New Life Church of God.



2040 MAJOR TRANSPORTATION PLAN

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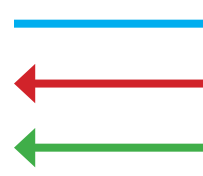
- | | |
|---|---|
|  | I-840 (FREEWAY) |
|  | MANSON PIKE - FIVE LANES (MAJOR ARTERIAL) |
|  | CICERO DRIVE (LOCAL) |
-  Site Boundary

The development has/will have access onto Manson Pike, is classified as a Major Arterial roadway. Manson Pike is currently constructed as a 3-lane major arterial roadway, with a center turn lane and no curb & gutter. Manson Pike is recommended to be improved from a 3-lane roadway to a 5-lane roadway per the 2040 Major Transportation plan. All remaining surrounding roadways are not currently slated for improvements.



UTILITY MAP

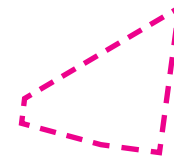
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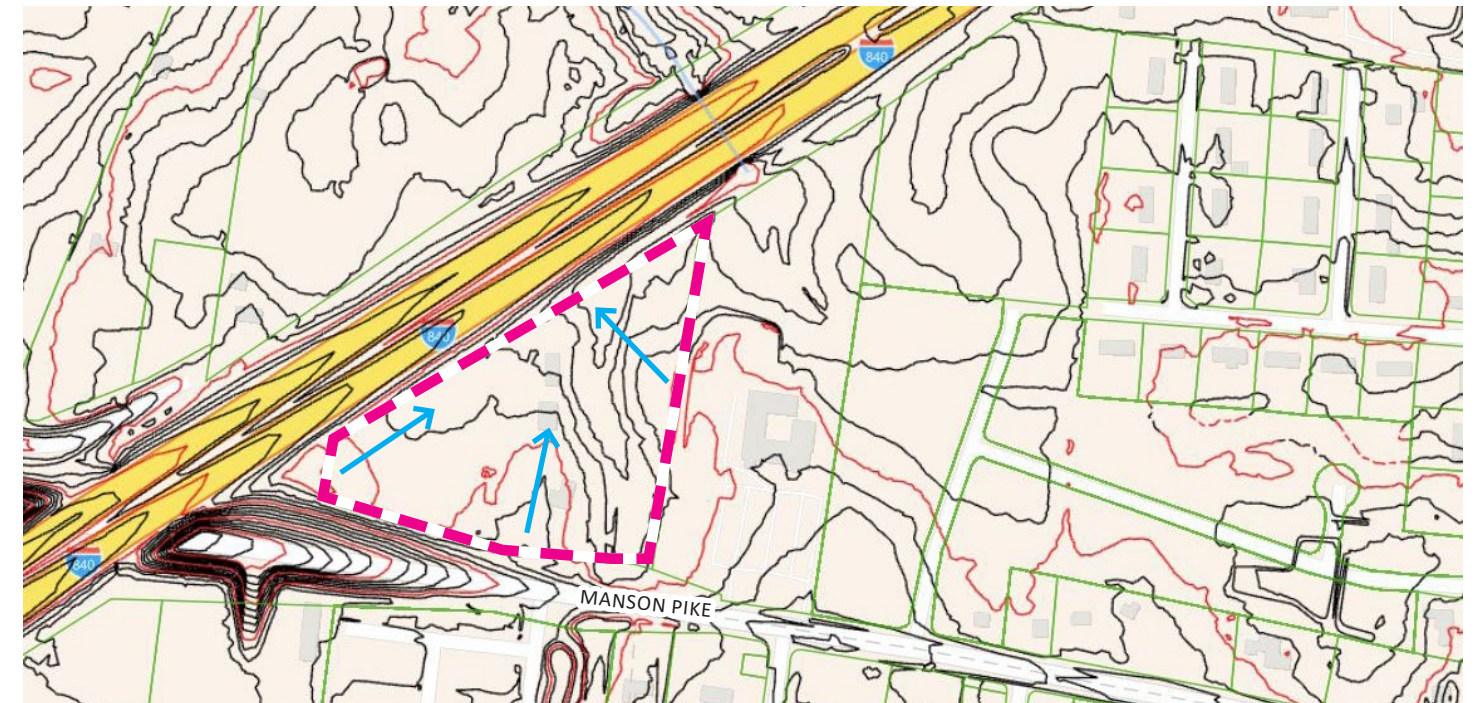
WATER
SEWER
STORMWATER



ELECTRIC

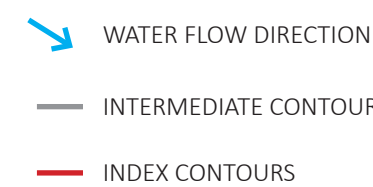


Site Boundary

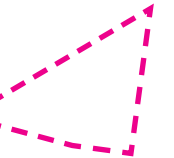


HYDROLOGY AND TOPOGRAPHY

Not To Scale



WATER FLOW DIRECTION
INTERMEDIATE CONTOURS
INDEX CONTOURS



Site Boundary



Water service will be provided by the Consolidated Utility District (CUD). An existing water line along Manson Pike will provide water 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. Sanitary sewer service can connect to an existing 8" PVC gravity sewer line within the R.O.W. of Manson Pike. Construction will extend the sewer service into the site and the developer will be responsible for extending the sewer into this property. An off-site sewer easement will need to be acquired by the owner/developer for this development.



Electric service will be provided by Middle Tennessee Electric. Service will be extended from Manson Pike. The developer will be responsible for extending the electric lines into the site, and all on-site electric will be underground.

The topographic map above shows the site's topographic high point generally at the eastern perimeter of the property. From this point the property drains along the northwestern side into the existing drainage ditch along I-840. Stormwater proceeds to drain into an unnamed stream to the northeast of the property.

No portions of this property are within a floodway or floodplain per FEMA Flood Panels 47149C0140J and 47149C0255J Effective 05/09/2023.

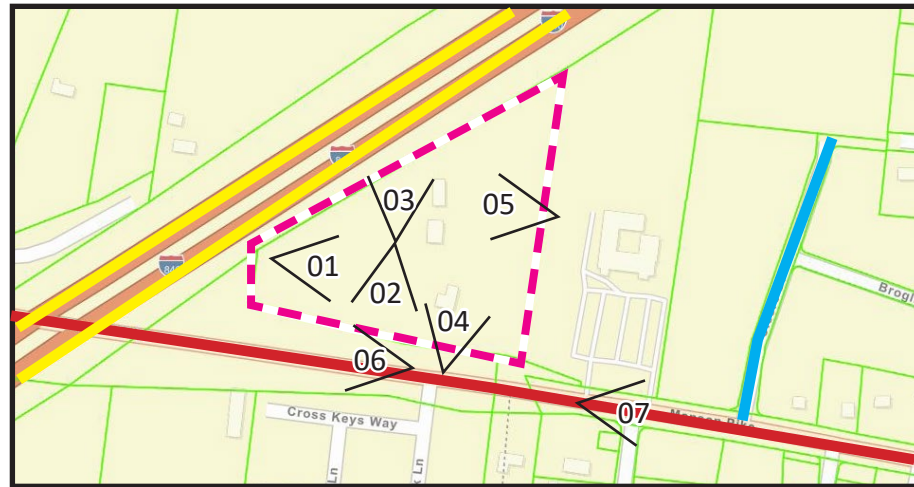
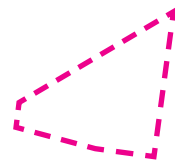


PHOTO DIRECTION MAP

Not To Scale

- I-840
- Manson Pike
- Cicero Drive



Site Boundary



View of Existing Fence Line Looking East



View of Existing Field Looking South



View of Existing Field Looking North



View of Existing Home On-Site looking North From Manson Pike



View of Existing Barn and Accessory Structures Looking West



View From Proposed Intersection With Manson Pike Looking West



View From Proposed Intersection With Manson Pike Looking East

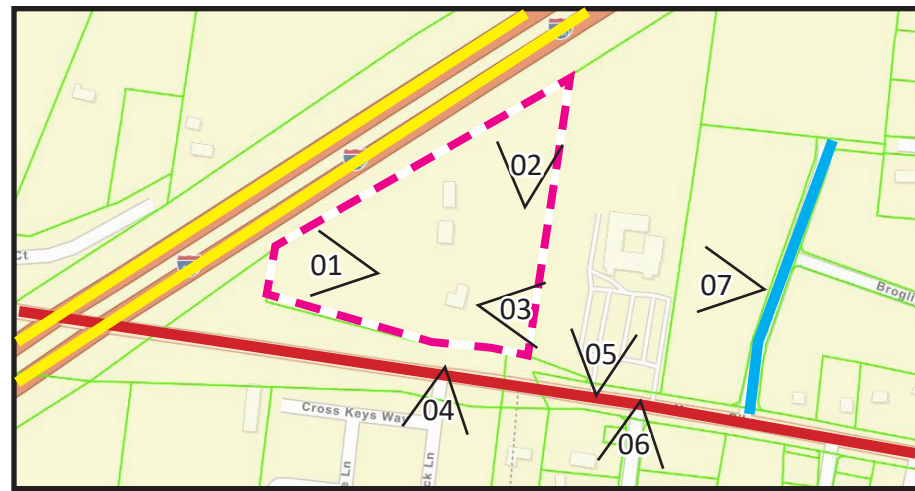


PHOTO DIRECTION MAP

Not To Scale

- I-840
- Manson Pike
- Cicero Drive



Site Boundary



View of Interstate-24 From Existing Field Looking West



View of Interstate-24 From Existing Field Looking North



View of Neighboring Church Property Looking East



View from Proposed Intersection With Manson Pike Looking South



View of Neighboring Church Looking North



View of John Lee Lane and Manson Pike Intersection Looking South



View of Neighboring Residential Architecture Looking West

Development Standards:

- The Building will be a maximum of 64,000 SF
- Building height shall not exceed 40 feet in height
- Signage will be placed along Manson Pike for proper identification, and will be built with materials consistent with the building architecture, and be accented with landscaping.
- All mechanical equipment located on the ground (i.e. HVAC and transformers) shall be screened with landscaping or fencing. If mechanical equipment is located on the roof, then they shall be screened from view via a parapet wall.
- All on-site utilities will be underground
- Solid waste enclosure shall be constructed of materials consistent with the building architecture, be at least 8-feet tall with opaque gates and shall be enhanced with landscaping.
- Solid waste shall be handled via a 3rd party private hauler.
- On-site lighting shall comply with the City of Murfreesboro performance standards to reduce light pollution while providing safety for students, employees and visitors.
- All parking areas will have curbing.
- Parking will comply with the City of Murfreesboro Ordinance in surface materials, number of spaces and size of spaces.
- Prior to construction plan review, a complete and thorough design of the stormwater management system and facilities will be completed.
- The eastern entrance into the site shall be for emergency vehicles only. This entrance shall be gated and equipped with a YELP mode to allow unimpeded access for emergency vehicles. A turn-around has been provided at this entrance as well for non-emergency vehicles to utilize.



<u>Site Setbacks</u>	
Front Setback (Manson Pike):	40-feet
Side Setback:	25-feet
Rear Setback:	30-feet



Example of Solid Waste Enclosure



Example of Monument Sign As Seen at Nashville Location



Example of Proposed Lighting Fixtures



Land Use Data:

Existing Zoning:	PND
Proposed Zoning:	PND
Land Area:	±8.13 Acres
Building Area:	64,000 SF
Min. Required Open Space:	1.63 Acres (20%)
Provided Open Space:	1.63 Acres (20%)
Min. Required Formal Open Space:	0.24 Acres (3%)
Provided Formal Open Space:	0.24 Acres (3%)
Detention:	1.30 Acres (15.9%)

Parking Required:

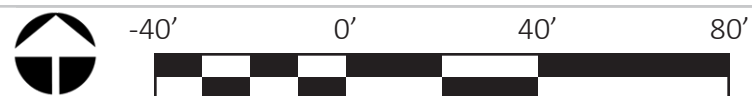
Kindergarten = 1 sp. per 5 seats	
6 Classrooms x 25 seats = 150 seats =	30 spaces
1st-8th grade = 2 sp. per classroom	
35 Classrooms =	70 spaces

OR (whichever is greater)

1 space per 5 bleacher seats	
160 seats provided =	32 spaces

Parking Required (30+70):	100 Spaces
Parking Provided:	126 Spaces + 5 H.C.

- Charter School Building
- Open Space
- Multi-Purpose Field
- Detention Pond
- Roadway
- Sidewalk



SEC Project #22860 Murfreesboro, Tennessee

Architectural Characteristics:

The proposed construction is concrete tilt-wall panels with a steel structure. This construction provides a cost effective, sustainable solution for a building to last the test of time. The concrete tilt-panel provides expedient construction solutions with extreme longevity for the end user. The panels are embellished with patterns to simulate the use of brick, siding, and stucco to compliment the surrounding architecture and fit within the fabric of the area it is constructed. The design provides visual interest with a rhythm of punched windows and variation in the finish patterns, which also breaks up any expanses of blank walls. The entry area is delineated from the rest of the building by changing the finish to a smooth texture with horizontal and vertical reveals. The color scheme is also inverted to draw the eye to that area in comparison to the rest of the building. Exits are strategically placed to limit access from the exterior by unwanted visitors and still provide a safe means of egress in the event an emergency situation would occur.

Building Materials:

Front Elevations: Masonry (Brick, Painted Concrete Panels)
Side Elevations: Masonry (Brick, Painted Concrete Panels)
Rear Elevations: Masonry (Brick, Painted Concrete Panels)
All Elevations: Vinyl Only Permitted in Trim & Soffit Areas

Architectural Standards:

- Building heights shall not exceed 40 feet in height
- All buildings will be two-story
- Buildings shall have a well-defined architectural base via different materials, colors, changes in pattern, or a combination of these techniques. The building foundations shall be accented with a 3-ft wide landscaping bed.
- The main entrance shall be well defined and easily recognizable by the use of; raised roof lines, canopies, glazing, change in materials, change in color, and/or change in building planes.
- Masonry materials (brick, painted concrete panels) will be the primary building materials.
- All buildings shall comply with Murfreesboro Design Guideline standards.



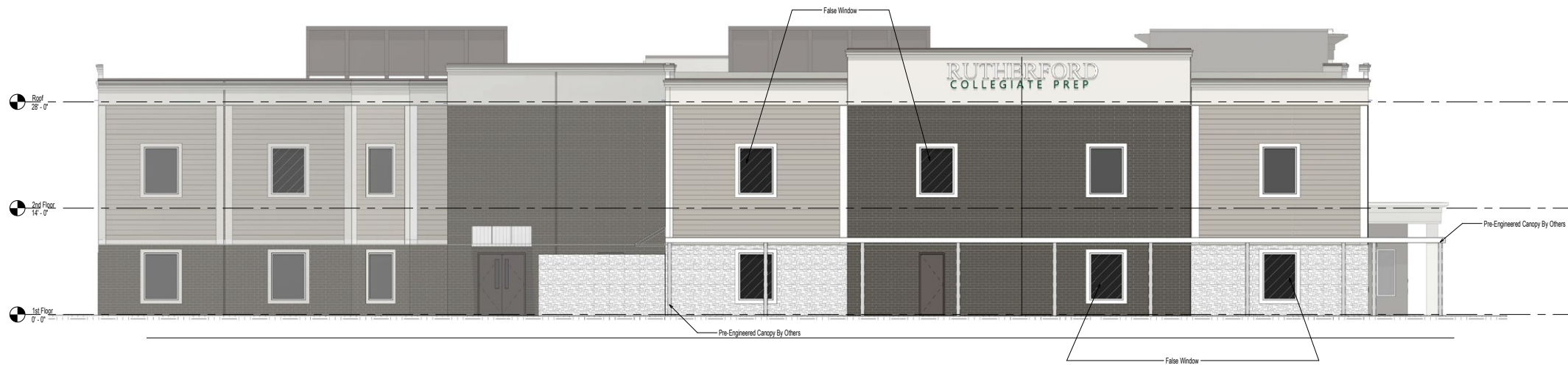
North Elevation



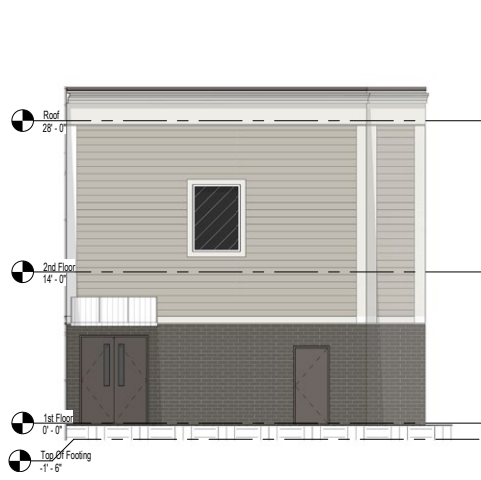
South Elevation



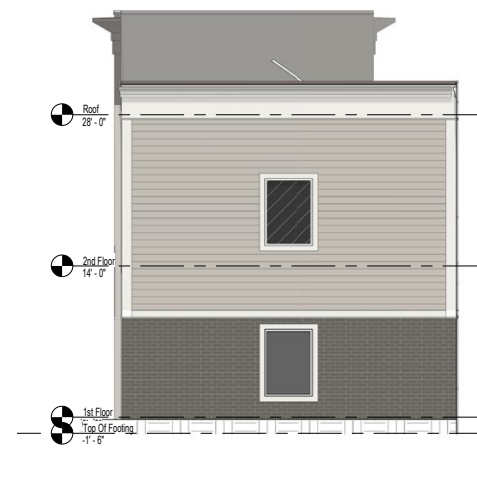
East Elevation



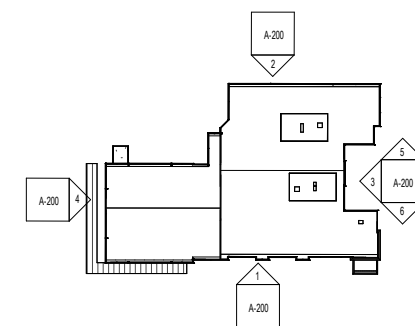
West Elevation



Looking North in Alcove Near Slide



Looking South in Alcove Near Slide



Elevation Key Map



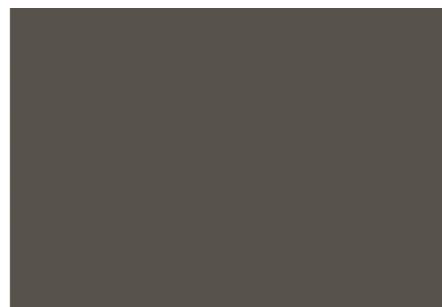
Example of Proposed Base Texture



Example of Proposed Body Texture



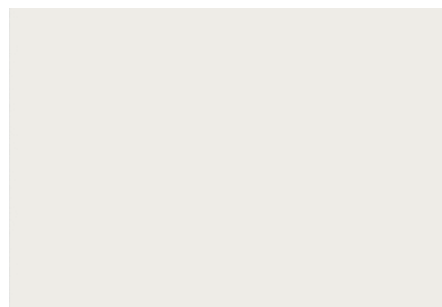
Example of Proposed Trim Texture



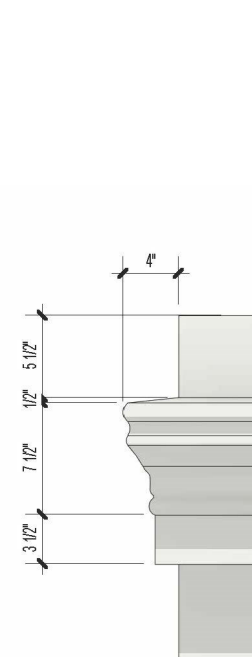
Proposed Base Color:
SW 7645 Thunder Gray



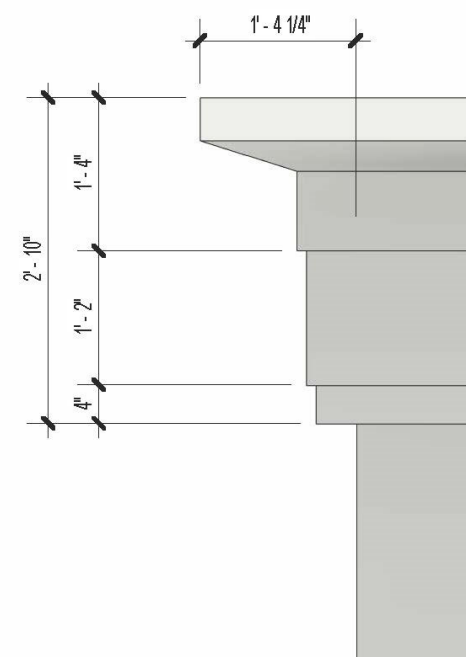
Proposed Body Color:
SW 7016 Mindful Gray



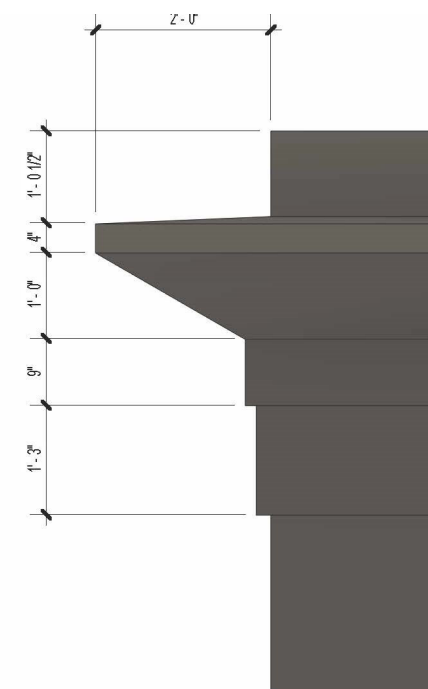
Proposed Trim Color:
SW 7005 Pure White



Detail of Proposed
Typical Cornice



Detail of Proposed
Lower Entry Cornice



Detail of Proposed
Upper Entry Cornice



Example of Proposed Wall Textures



Example of Proposed Wall Textures



Example of Proposed Awning



Example of Proposed Wall Textures



Example of Proposed Wall Textures



Example of Proposed Wall Textures



#1 - Rutherford Collegiate Prep - Arriving from Manon Pike



Perspective Key Map



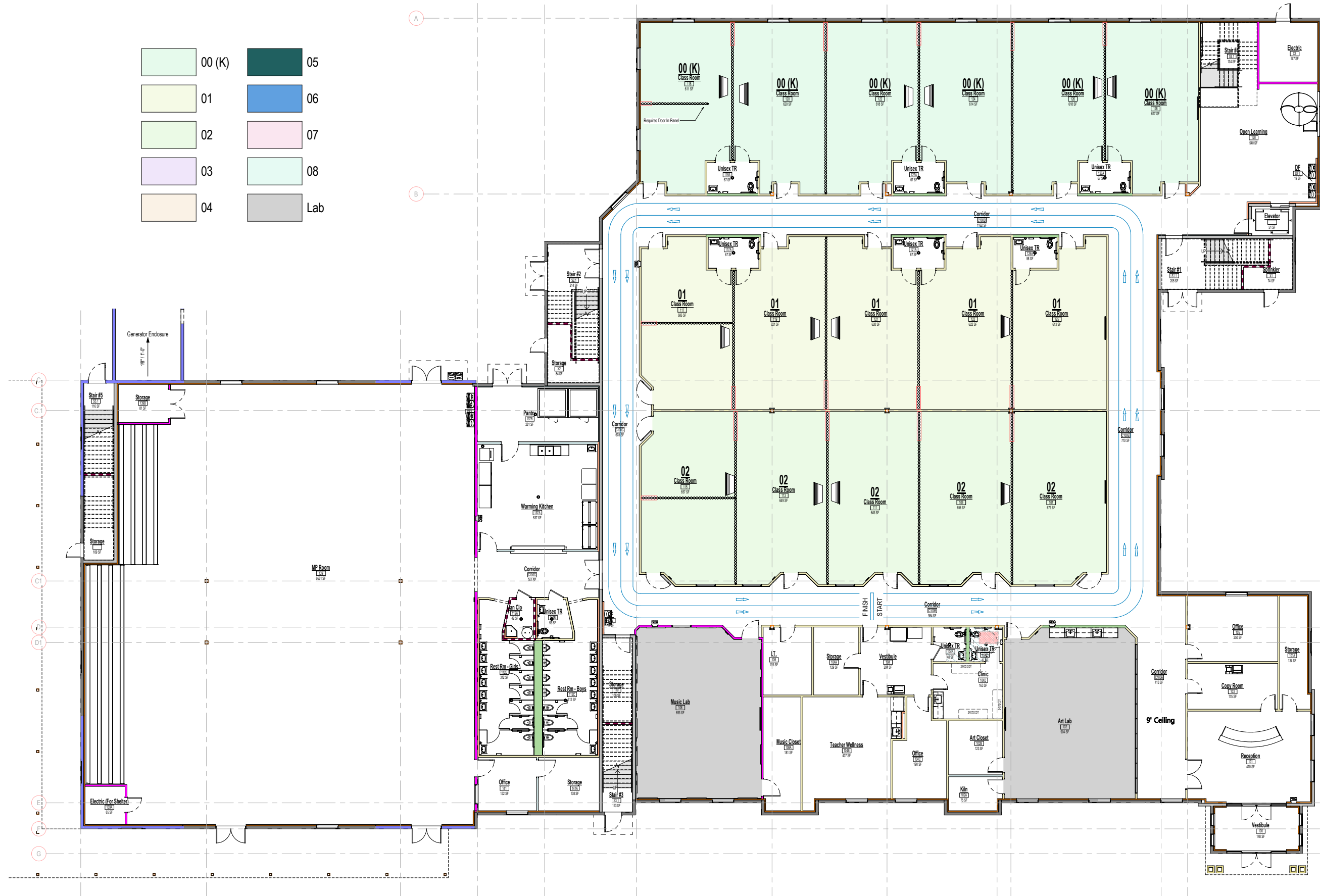
*Architecture shown is illustrative and only meant to convey the general appearance and character of the building. Final architecture shall be provided at the site plan level and will meet design guidelines.



#2 - Rutherford Collegiate Prep - View Looking Southeast from pick-up/drop-off lanes



#3 - Rutherford Collegiate Prep - View Looking Southwest from Practice Field



00 (K)	05
01	06
02	07
03	08
04	Lab

*Architecture shown is illustrative and only meant to convey the general appearance and character of the building. Final architecture shall be provided at the site plan level and will meet design guidelines.

00 (K)	05
01	06
02	07
03	08
04	Lab



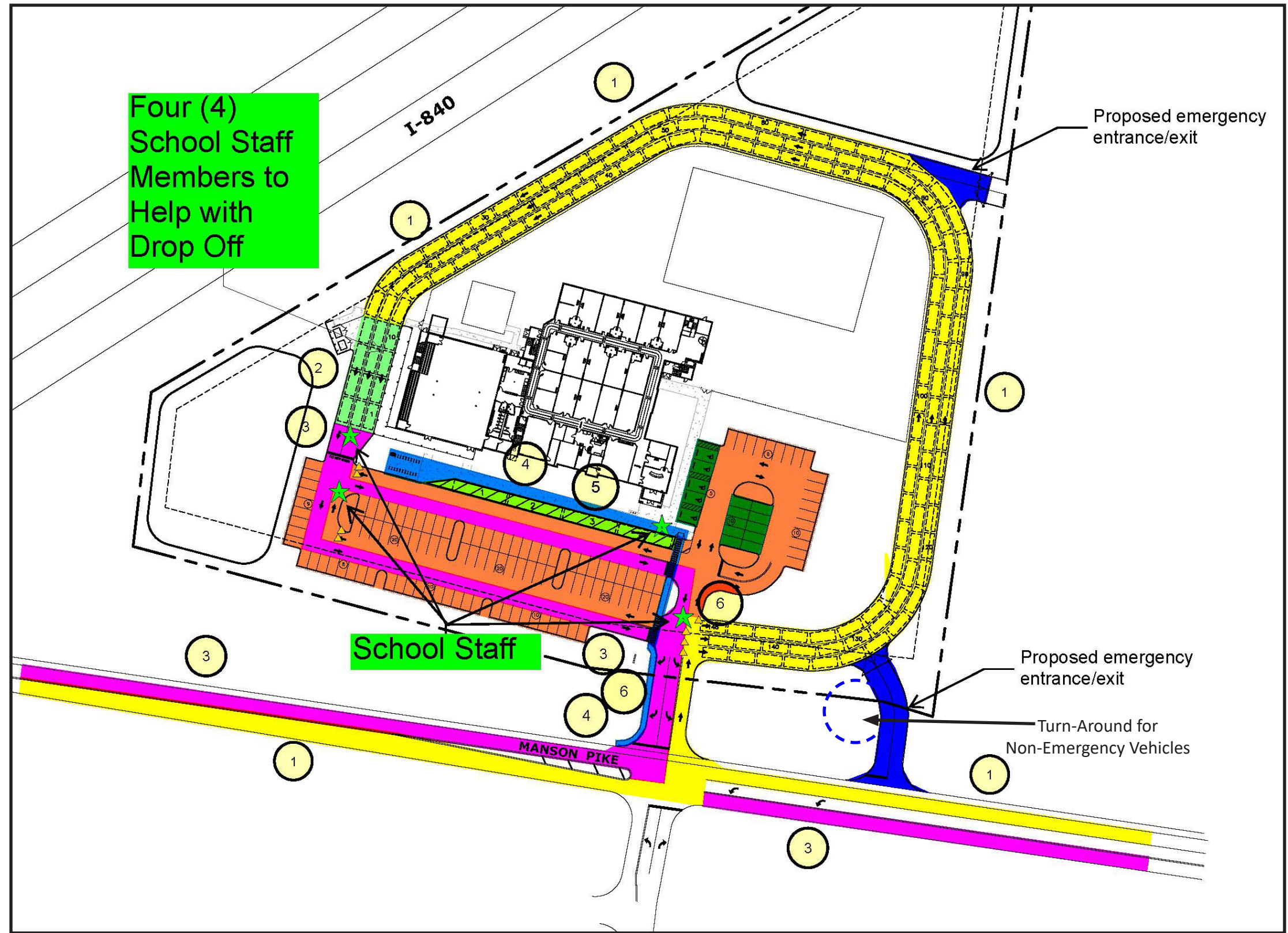
Pursuant to the City of Murfreesboro's 2040 Major Transportation Plan (MTP), none of the surrounding roadways in this development are slated for improvements except Manson Pike. Manson Pike is currently built as a 3-lane cross-section with a central turning median and is planned to be converted from a 3-lane road to a 5-lane road.









The primary means of ingress/egress from this site will be via Manson Pike. The proposed entrance onto Manson Pike will incorporate three travel lanes for proper circulation into and out of the development. The developer of this property will be required to participate in those improvements with left and right turns into the site. This main entrance shall align with Lone Jack Lane coming from Braxton Parke on the opposite side of Manson Pike. The illustration below shows the proposed location point of ingress/egress for the development.

In order to enhance the functionality of emergency services, two supplementary access points will be provided. These access points will be secured by gates and equipped with a "YELP mode" for unimpeded entry. The first access point is situated to the east of the primary entrance on Manson Pike. This entrance has also been proposed with a turn-around for non-emergency vehicle use. The second access point is located along the eastern boundary of the property as a provisional entryway for future use.

A traffic impact study shall be conducted and coordinated with the City of Murfreesboro Traffic Department to determine the scope of the study.

- 1 Primary pick-up and drop-off shall utilize Manson Pike and continue on the school access inbound road to enter the drive loop road as seen in yellow.
- 2 Student pick-up & drop-off designated area for staggered release at each lane as seen in light green.
- 3 Primary pick-up & drop-off shall exit the drive loop road using exit lanes and turn right or left onto Manson Pike, as seen in purple.
- 4 Pedestrian and bicycle access to and from Manson Pike is shown in blue. Bicycle racks shall be provided on site.
- 5 Bus pick up zone.
- 6 Exit from parking area.

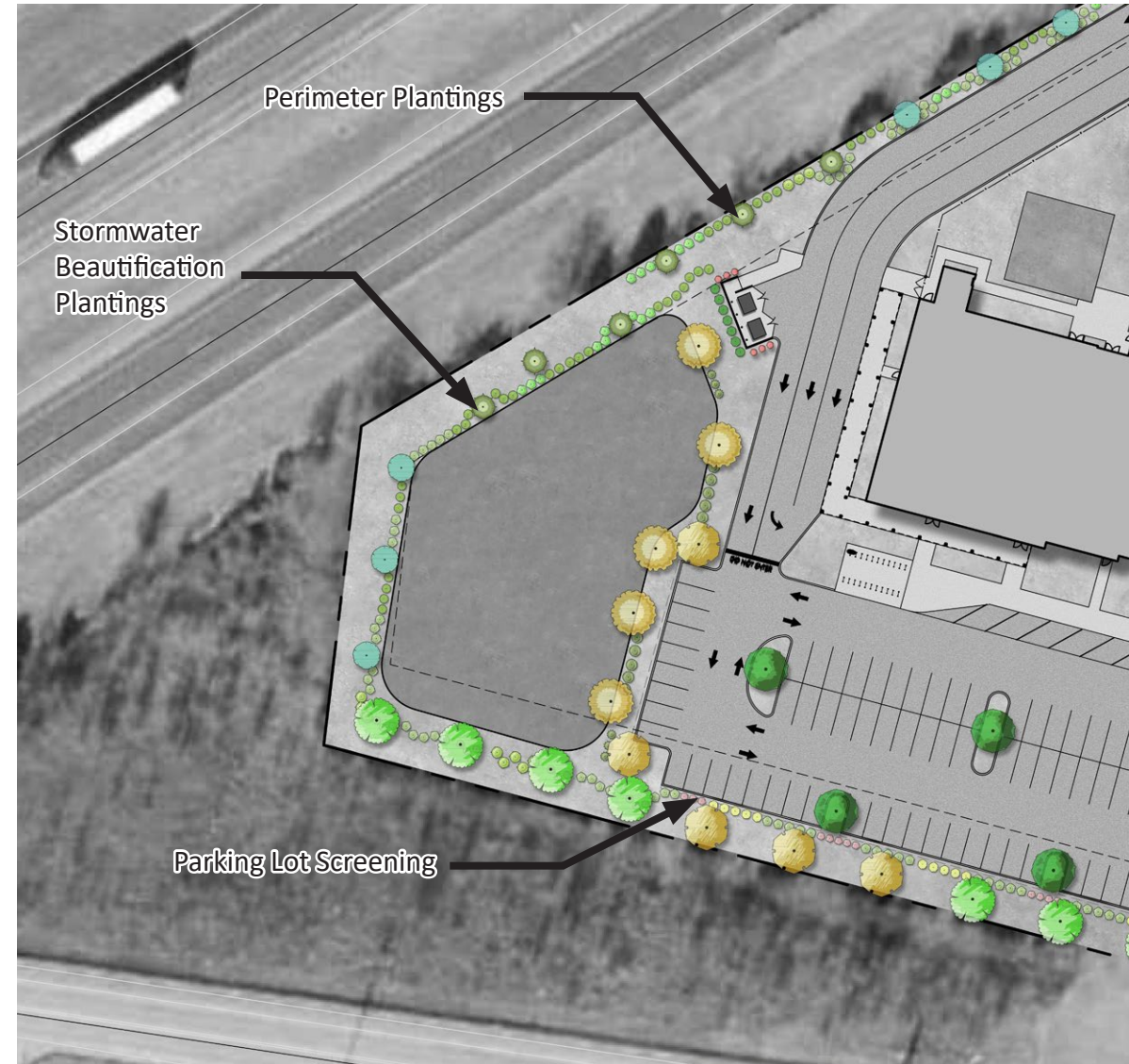


	Vehicular Ingress Pattern		Pedestrian Circulation		ADA Accessibility Spaces and Guest Parking
	Vehicular Drop-Off/Pick-Up		School Bus Zone		Emergency Entrance/Exit
	Vehicular Egress Pattern		Teacher Parking		

*Architecture shown is illustrative and only meant to convey the general appearance and character of the building. Final architecture shall be provided at the site plan level and will meet design guidelines.

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 shall be screened with landscaping and/or fences.
- The base of building plantings will not be required with this project based on recommendations of the Department of Homeland Safety for educational facilities.
- Landscaping will be in conformance with the City of Murfreesboro's landscaping ordinance.
- Detention ponds and other stormwater facilities shall follow beautification standards per City of Murfreesboro landscaping ordinance.
- All common open space and landscape areas on the site shall be owned and maintained by the owner.



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 given on Pages 3-6 meet this requirement.

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 given on Pages 3-6 meet this requirement.

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 given on Pages 3-6 meet this requirement.

4.) A drawing defining the location and area proposed to be developed for buildings and parking; standards for pedestrian and vehicular circulation; the proposed points of ingress and egress to the development; the provision of spaces for loading; proposed screening to be made in relation to abutting land uses and zoning districts; and the extent of proposed landscaping, planting and other treatment adjacent to surrounding property.

Response: Pages 7-8 provide exhibits and standards that provides the required materials.

5.) A circulation diagram indicating the proposed principal movement of vehicles, goods and pedestrian within the development to and from existing thoroughfare.

Response: Pages 7 & 18 provide exhibits and standards that provides the required materials.

6.) If the planned development 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.
- (BB): The order in which the phases of the project will be built.
- (CC): The minimum area and the approximate location of common spaces and public improvements that will be required at each stage
- (DD): A breakdown by phase for subsections (5) and (6) above.

Response: The project is anticipated to be developed in one phases. Development is anticipated to begin within 180 days of rezoning approval, and will include all public infrastructure.

7.) A written statement generally describing the relationship of the proposed planned development to the current policies and plans of the city and how the proposed planned development 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 Planned Institutional District (PND). The surrounding area has a mixture of residential and commercial properties. The concept plan and development standards combined with the architectural requirements of the buildings shown within this booklet align and closely mimic the type of developments in the surrounding neighborhoods and are envisioned to complement existing and future development in this area.

8.) A statement setting forth in detail the manner in which the proposed planned development deviates from the zoning and Subdivision Regulations which would otherwise be applicable to the subject property

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

SETBACKS	RS-15	PND	DIFFERENCE
Front Setback	40.0'	40.0'	+0.0'
Side Setback	12.5'	25.0'	+12.5'
Rear Setback	30.0'	30.0'	0.0'
Minimum Lot Size	15,000'	N/A	N/A
Minimum Lot Width	75'	N/A	N/A

9.) 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 PND.

Response: This requirement has been addressed in the chart below.

TOTAL SITE AREA	358,499 s.f.
TOTAL MAXIMUM FLOOR AREA	64,000 s.f.
TOTAL LOT AREA	358,499 s.f.
TOTAL BUILDING COVERAGE	35,000 s.f.
TOTAL DRIVE/ PARKING AREA	69,691 s.f.
TOTAL RIGHT-OF-WAY	0 s.f.
TOTAL LIVABLE SPACE	NA s.f.
TOTAL OPEN SPACE	71,003 s.f.
FLOOR AREA RATIO (F.A.R.)	0.18
LIVABILITY SPACE RATIO (L.S.R.)	0.71
OPEN SPACE RATIO (O.S.R.)	0.90

10.) 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 portions of this property lies in Zone AE, within the 100-year floodplain, according to the current FEMA Map Panels 47149C0140J and 47149C0255J Effective 5/9/2023.

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

Response: Pages 3 & 18 discusses the Major Transportation Plan.

12.) 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 development plans. A primary representative shall be designated.

Response: The primary representative is Matt Taylor of SEC, Inc. developer/ applicant is Rethink Forward contact info for both is provided on inside of cover.

13.) 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 10-17 show the architectural character of the proposed building and building materials listed.

14.) If a development entrance sign is proposed the application shall include a description of proposed signage for the development including calculations of square footage and height. 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 8.

LAND USE PARAMETERS AND BUILDING SETBACKS			
ZONING (EXISTING VS PROPOSED)	RS-15	PROPOSED PND	DIFFERENCE
RESIDENTIAL DENSITY			
MINIMUM LOT AREA	N/A	NA	N/A
MINIMUM LOT WIDTH	N/A	NA	N/A
MINIMUM EXTERNAL SETBACK REQUIREMENTS			
MINIMUM FRONT SETBACK	40'	40'	0'
MINIMUM SIDE SETBACK	12.5'	25'	+12.5'
MINIMUM REAR SETBACK	30'	30'	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	0%	0%	0%
MAX HEIGHT	35'	40'	+5'

PND Exceptions Request Summary:
 No Exceptions Requested

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
SEPTEMBER 6, 2023**

PRINCIPAL PLANNER: MARGARET ANN GREEN

- 5.b. Zoning application [2023-409] for approximately 12 acres located along medical Center Parkway to be rezoned from CH, GDO-1 & PSO to PCD (The Avenue), GDO-1 & PSO, Big V Property Group applicant.**

Introduction

The subject property consists of one parcel located along Medical Center Parkway, Maplegrove Drive, Avenue Way and Interstate 24. The parcel is platted land identified as Tax Map 092 Parcel 94.01. The property is a total of 85.6 acres with approximately 12 acres included in the zoning map amendment request. The property is zoned CH (Commercial Highway District), GDO-1 (Gateway Design Overlay District), and PSO (Planned Signage Overlay District). The subject property is located south of Clari Park, adjacent to the Embassy Suites convention center, and northwest of the TDK apartment development.

The Avenue PCD - 12 acres

Overview

The Avenue PCD is proposed to allow the owners of The Avenue Lifestyle Center to create separate lots of record along Medical Center Parkway consist with the original leasing plan approved for this site. As originally proposed, the outparcels would be under common ownership. Existing tenants have expressed a desire to own the property their business is located on without redesigning the sites to include the separation required in the GDO. Also proposed is the desire to allow the individual lots to continue to rely on the larger parcel for shared parking, minimum open space requirements, minimum formal open space requirements. The frontage along Medical Center Parkway will continue to be maintained by the owner of the Avenue parcel.

Transportation, Circulation and Access:

The subject property has access to Medical Center Parkway, a major arterial. Currently the Public Infrastructure department is designing an additional lane along Medical Center Parkway in each direction. Engineering staff requested that the needed right-of-way be dedication with this project.

Purposes of Planned Develop District:

According to the Zoning Ordinance, the purposes of planned development district regulations are as follows:

1. to promote flexibility in development design and to permit planned diversification in the location of structures;
2. to promote the efficient use of land by permitting a planned arrangement of buildings, circulation systems, land uses, and utilities;
3. to preserve existing landscape features and amenities and to utilize such features in a harmonious fashion;
4. to encourage the total planning of land tracts consistent with adopted long-range plans;
5. to permit the use of new and innovative land development techniques while assuring protection of existing adjacent development;
6. to encourage the functional and beneficial use of open spaces and to preserve natural features of a development site;
7. to promote the creation of a safe and desirable living environment for residential areas characterized by a unified site and development program;
8. to permit the creation of a variety of housing types compatible with surrounding development to provide a greater choice of types of environment and living units;
9. to promote the provision of attractive and appropriate locations for business and manufacturing uses in well-designed developments and the provision of opportunities for employment closer to residences with a reduction in travel time from home to work;
10. to encourage the revitalization of established commercial centers;
11. to promote the diversification in the uses permitted and variation in the relationship of uses, structures, open space, and height of structures in developments intended as cohesive, unified projects;
12. to encourage design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property; and,
13. to promote the significance of architectural and aesthetic improvements and details in atypical developments.

Exceptions

Exceptions must be specifically identified and requested in the application for a planned development. The Zoning Ordinance states the following regarding exceptions within planned developments:

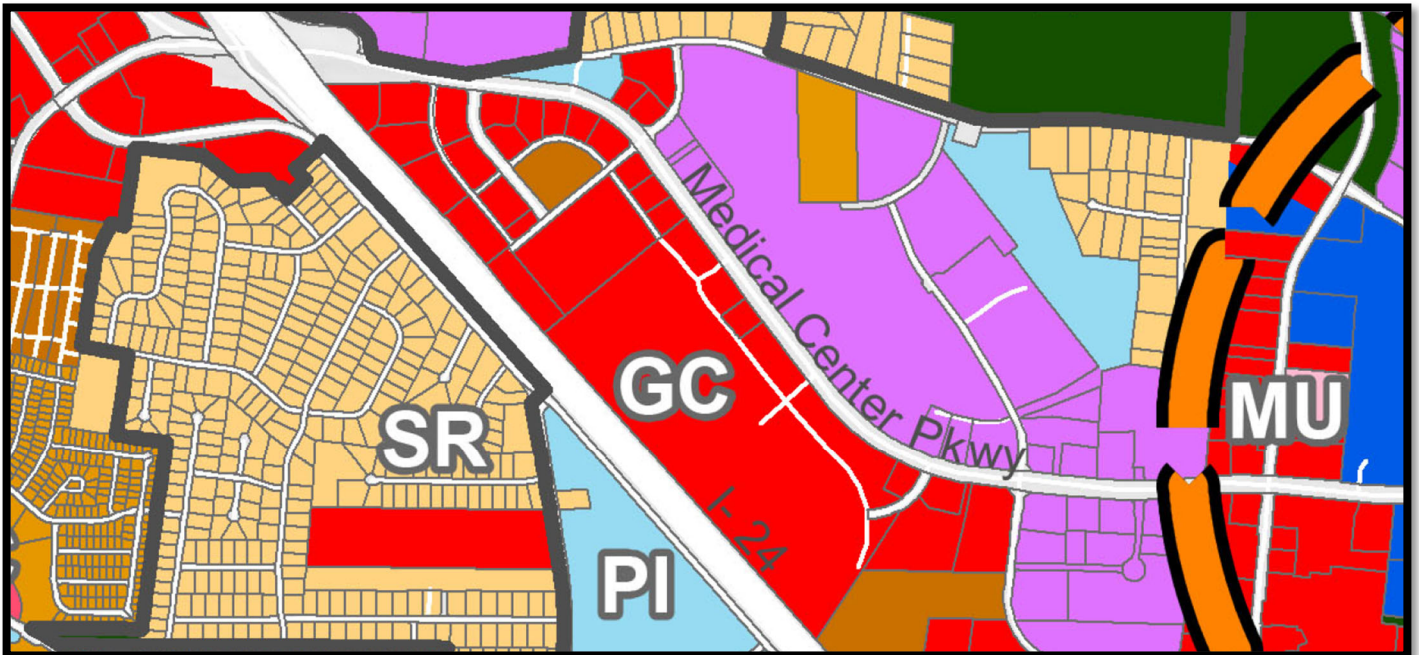
The planned development approval may provide for such exceptions from the Subdivision Regulations, Design Guidelines, and from district and overlay district zoning regulations governing use, density area, bulk, parking, architecture, landscaping, and open space as may be necessary or desirable to achieve the objectives of the proposed planned development, provided such exceptions are consistent with the standards and criteria contained in this section and have been specifically identified and requested in the application for a planned development.

Unless the application for a planned development contains a clear statement of exceptions to them, the standards and criteria of the Subdivision Regulations, Design Guidelines, and district and overlay district zoning regulations will apply to all planned developments. The specific zone district used as a comparison for the planned development shall be the most like zone district to the planned development, as determined by the Planning Director.

The PCD book identify four exceptions on page 21 of the program book. They are:

1. Requesting an exception that lighting levels along Avenue Way be allowed to exceed 0.5 foot-candles.
2. Requesting an exception to the required landscape yard between property lines and parking/drives. The specific amounts needed for Lots 1, 2, and 4-8 is on page 21 of the program book.
3. Requesting an exception to the rear setback on the Outparcel currently occupied by Buffalo Wild Wings.
4. Requesting an exception to the required formal open space for each outparcel. Formal open space from the entire Avenue Shopping Center shall count towards the formal open space requirements for the individual outparcels.

Future Land Use Map



(GENERAL) COMMERCIAL CHARACTER (GC)

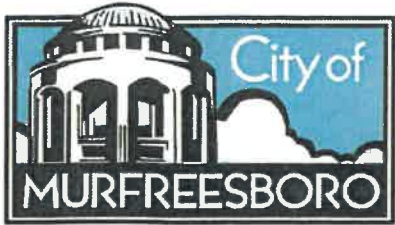
This designation pertains to commercial development as well as outparcels located on arterial and collector transportation routes. The primary difference in Urban and Auto-Urban character categories is the role of the automobile in its site design. Rather than buildings oriented to the street, as in an urban setting, such as what is found in downtown, auto-urban environments are characterized by large parking lots surrounding the buildings. Auto-Urban commercial uses include high intensity commercial businesses that have a trade area outside of Murfreesboro and/or require a large amount of land for their operations. Uses like regional shopping center, grocery, hotels, gas stations, restaurants, and “big box” retailers. Due to the potential for these uses to generate high traffic volumes, their location should be on or with adequate access to arterial roadways.

Recommendation:

Staff requests the Planning Commission to consider the following items in its review of this request:

1. The proposed development type and characteristics are consistent with the approved *Murfreesboro 2035 Comprehensive Plan* and the *Future Land Use Map*.
2. The Planning Commission should consider the appropriateness of the exceptions that are a part of the PCD.

The applicant will be available at the Planning Commission meeting to discuss the proposed rezoning request. A copy of the PCD program book is included with the agenda materials. The Planning Commission should conduct a public hearing prior to formulating a recommendation to the City Council.



T E N N E S S E E

Creating a better quality of life

City of Murfreesboro
Planning and Engineering Department
111 W. Vine Street, P.O. Box 1139
Murfreesboro, TN 37133-1139
(615) 893-6441 Fax (615) 849-2606
www.murfreesborotn.gov

Table with 2 columns: Application Description and Fee. Includes rows for 'Zoning & Rezoning Applications - other than rezoning to planned unit development' (\$700.00) and 'Zoning & Rezoning Applications - Planned Unit Development, initial or amended' (\$950.00).

Procedure for applicant:

The applicant must submit the following information to initiate a rezoning:

- 1. A completed rezoning application (below).
2. A plot plan, property tax map, survey, and/or a legal description of the property proposed for rezoning. (Please attach to application.)
3. A non-refundable application fee (prices listed above).

For assistance or questions, please contact a planner at 615-893-6441.

To be completed by applicant:

APPLICANT: Big V Property Group c/o Kenton McKeehan

Address: 5821 Fairview Road, Suite 302 City/State/Zip: Charlotte, NC 28209

Phone: 214-632-0500 E-mail address: kmckeehan@bigv.com

PROPERTY OWNER: BVA Avenue SPE LLC

Street Address or property description: 2615 Medical Center Parkway

and/or Tax map #: 092 Group: Parcel (s): 94.01

Existing zoning classification: CH and GDO-1

Proposed zoning classification: PCD and GDO-1 Acreage: 12.02

Contact name & phone number for publication and notifications to the public (if different from the applicant): Rob Molchan 615-890-7901

E-mail: rmolchan@sec-civil.com

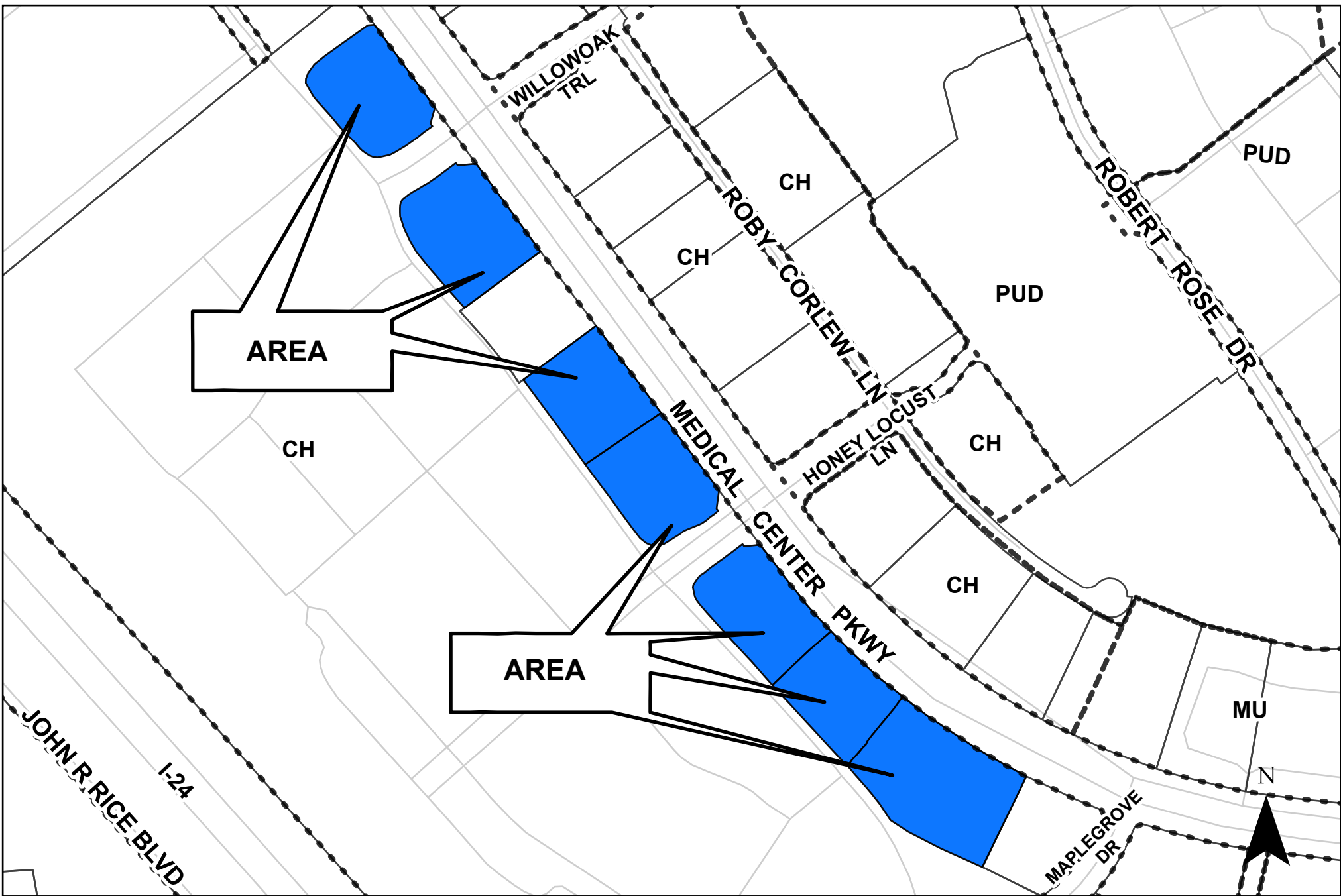
APPLICANT'S SIGNATURE (required): [Handwritten Signature]

DATE: 7/12/2023

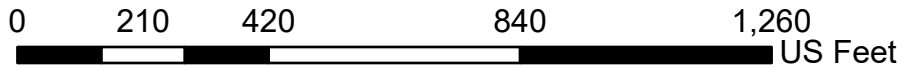
*****For Office Use Only*****

Date received: MPC YR.: MPC #:

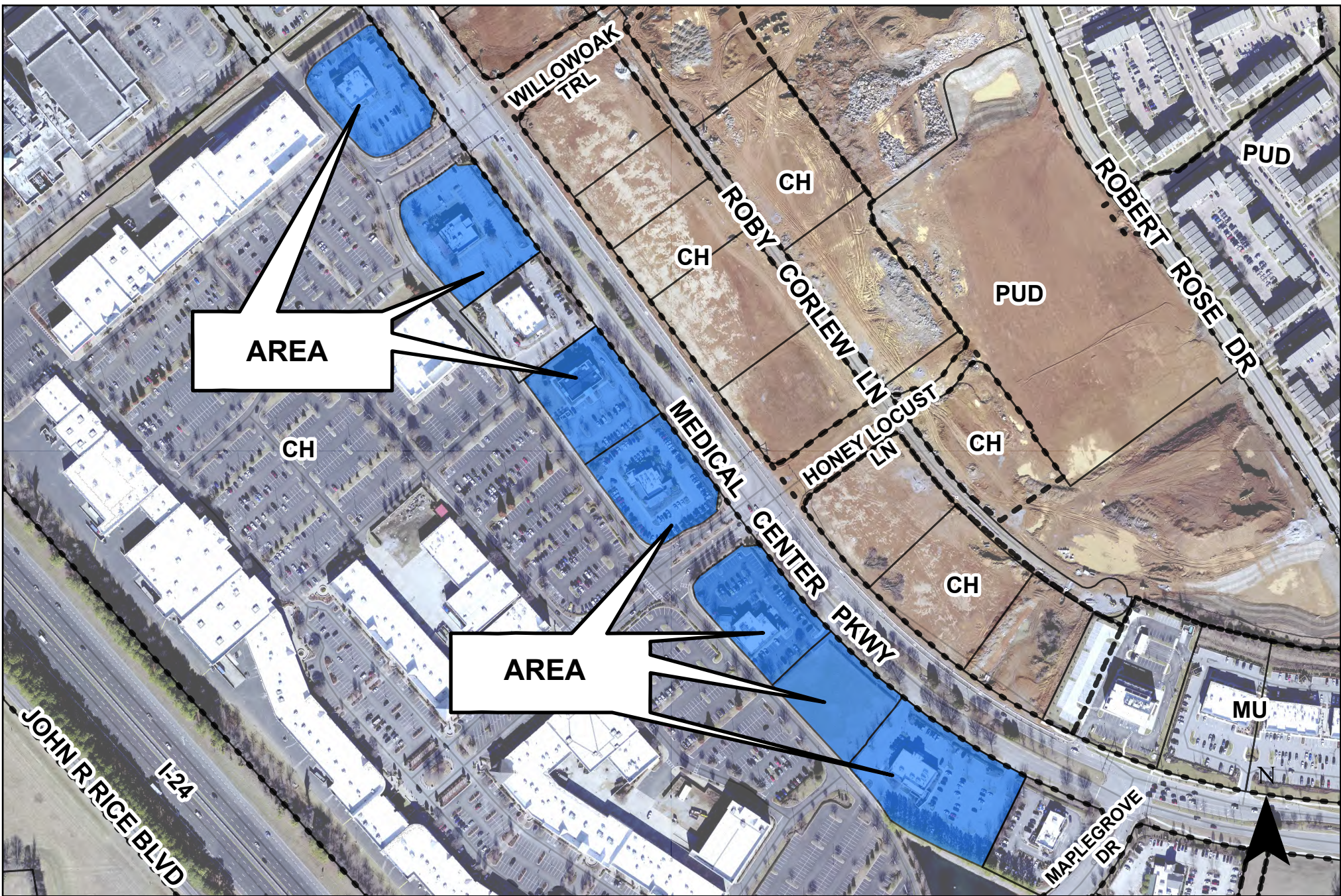
Amount paid: Receipt #:



Zoning request for property along Medical Center Parkway
 Commercial Highway (CH) & GDO-1 to PCD (The Avenue of Murfreesboro PCD) & GDO-1

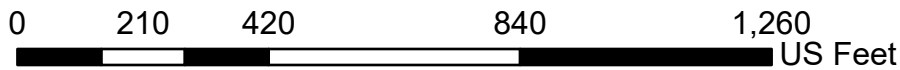


Planning Department
 City of Murfreesboro
 111 West Vine St
 Murfreesboro, TN 37130
www.murfreesborotn.gov



Zoning request for property along Medical Center Parkway
 Commercial Highway (CH) & GDO-1 to PCD (The Avenue of Murfreesboro PCD) & GDO-1

Planning Department
 City of Murfreesboro
 111 West Vine St
 Murfreesboro, TN 37130
www.murfreesborotn.gov



THE AVENUE OF MURFREESBORO

A REQUEST FOR REZONING THE OUT-PARCELS OF THE AVENUE FROM COMMERCIAL HIGHWAY TO PLANNED COMMERCIAL DISTRICT (PCD) AND REMAIN IN THE GDO-1 AND PSO DISTRICTS

Murfreesboro, Tennessee



SEC, Inc.

SEC Project #08250



BIG V
PROPERTY GROUP

Pre-App Submittal

June 29, 2023

Initial Submittal

July 13, 2023

Resubmittal

August 25, 2023 for the September 6, 2023
Planning Commission Public Hearing



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: Big V Property Group
 Profession: Commercial Real Estate Company
 Attn: Kenton McKeehan
 Phone: (214) 632-0500
 Email: kmckeehan@bigv.com
 Web: www.bigv.com

*5821 Fairview Road Suite 302
 Charlotte, North Carolina 28209*

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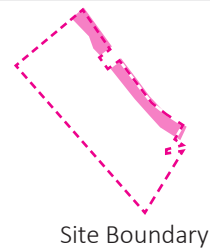
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AERIAL PHOTOGRAPH

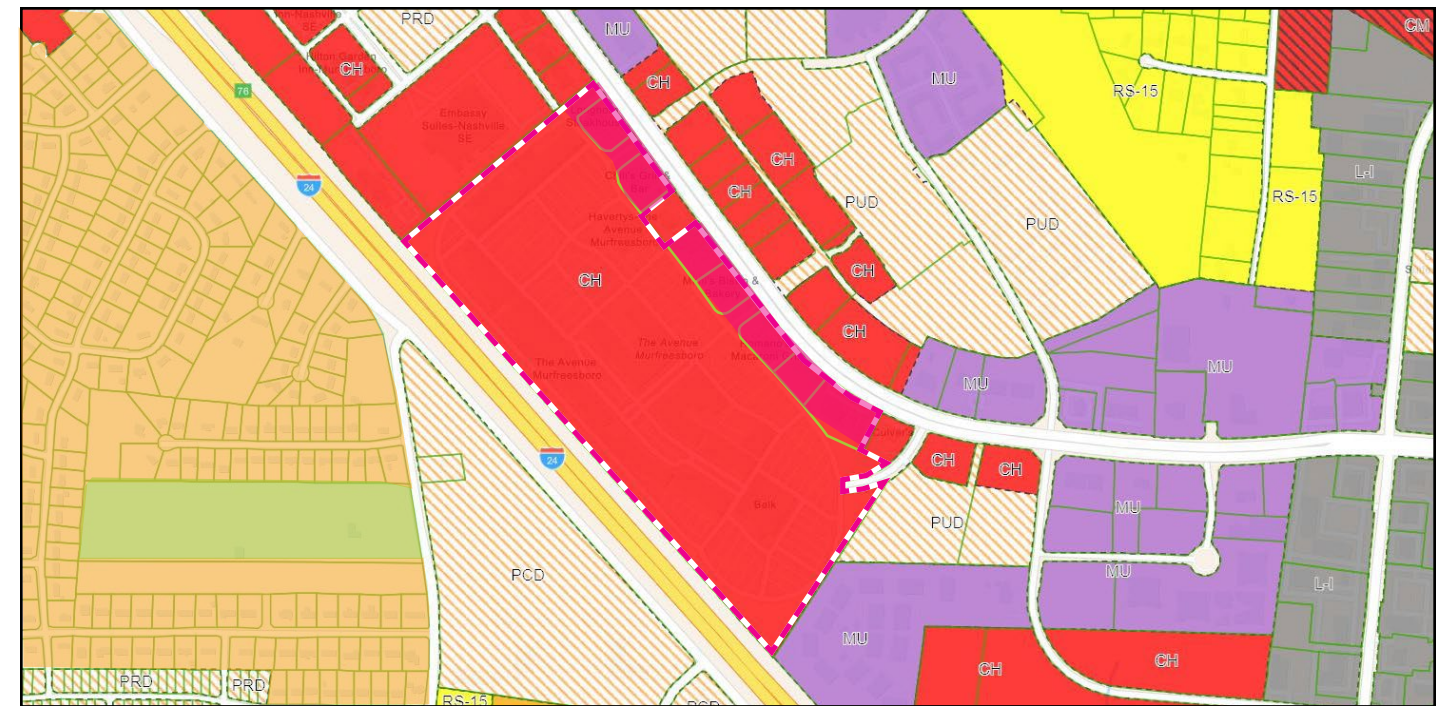
Not To Scale

- Medical Center Parkway
- Maple Grove Drive
- Willowoak Trail
- Avenue Way
- Honey Locust Lane
- I-24 Highway



Big V Property Group respectfully requests the rezoning of The Avenue of Murfreesboro at 2615 Medical Center Pkwy from Commercial Highway (CH) and GDO-1 to Planned Commercial District (PCD) and GDO-1 to create the Avenue Outparcels. The properties are located along the western side of Medical Center Parkway and east of Avenue Way. The entire site is identified as Parcel 94.01 of Tax Map 92. The proposed portion to be rezoned is approximately 12.02 acres.

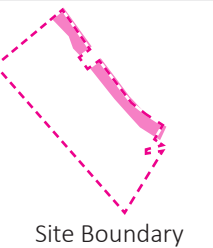
The request for rezoning to PCD is to create the individual lots of record for outparcels 1,2, and 4-8 along Medical Center Parkway. The purpose of this rezoning is to create a set of standards that align with the GDO's design intent and quality while providing flexibility to increase the diversity of end-users at each outparcel. By doing so, The Avenue of Murfreesboro will provide additional commercial services and products for the Murfreesboro area. The creation of these outparcels are consistent with how adjacent property owners are subdividing their properties into outparcels. These outparcels shall continue to be governed by the original Avenue declarations with the City of Murfreesboro. This rezoning will help rectify this imbalance.



ZONING MAP

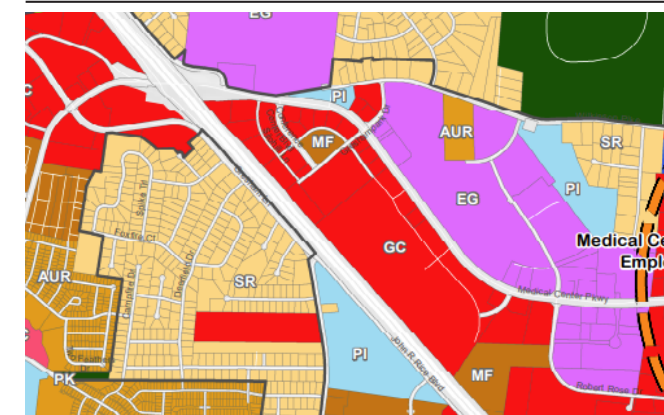
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- Commercial Highway (CH)
- Residential Single-Family (RS-15)
- Mixed Use (MU)
- Planned Residential District (PRD)
- Planned Unit Development (Rutherford County)
- Planned Commercial District (PCD)
- Medium Density Residential (Rutherford County)
- Planned Unit District (PUD)



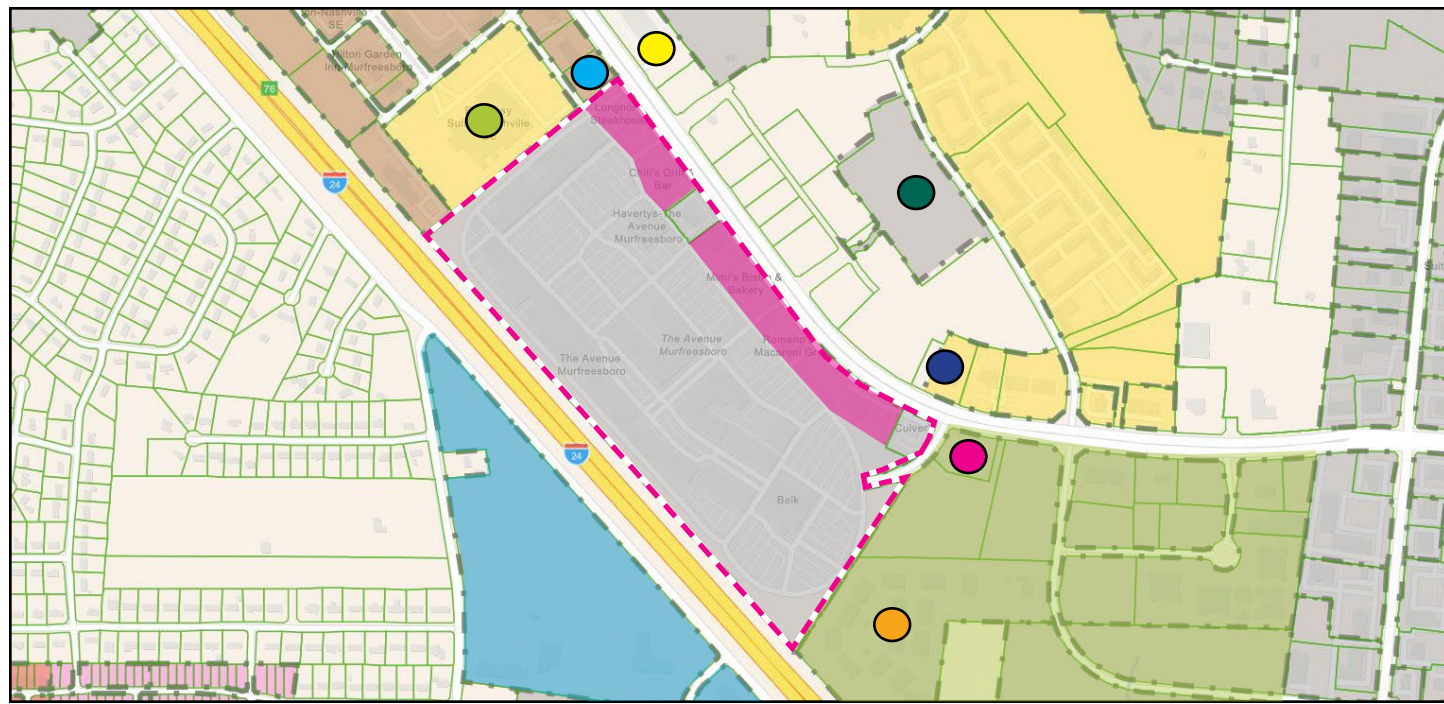
The surround areas consists of a mixture of zoning types and land uses as shown above in the most current zoning map. The properties located to around the proposed Outparcels are primarily zoned Commercial Highway (CH). Clari Park is located to the east side of Medical Center Parkway, and is a mixture of zonings consisting of Planned Unit District (PUD), Commercial Highway CH and Mixed Use (MU). Robert Rose Village is located to the south, and is a mixture of zonings consisting of Planned Unit District (PUD), Commercial Highway CH and Mixed Use (MU). North Church LLC subdivision is located to the north, and primarily zoned Commercial Highway (CH) with a pocket of Planned Residential District (PRD). There are a variety of City and County zoning districts located on the western side of Interstate 24, which is primarily Medium Density Residential within the jurisdiction of Rutherford County. This development is also within the City of Murfreesboro Gateway Design Overlay District (GDO) and the Planned Signage Overlay District (PSO).

MURFREESBORO 2035 FUTURE LAND USE PLAN



The Murfreesboro 2035 Future Land Use Plan proposes this area to be General Commercial (GC). Characterized by roads, driveways, and at-grade parking areas that commonly exceed the area of the building(s) as a percent of ground cover.

Existing developments within this PCD align with the recommendations for the latest land use map. Future development on outparcels within this PCD shall continue to follow these recommendations.



SUBDIVISION MAP

Not To Scale

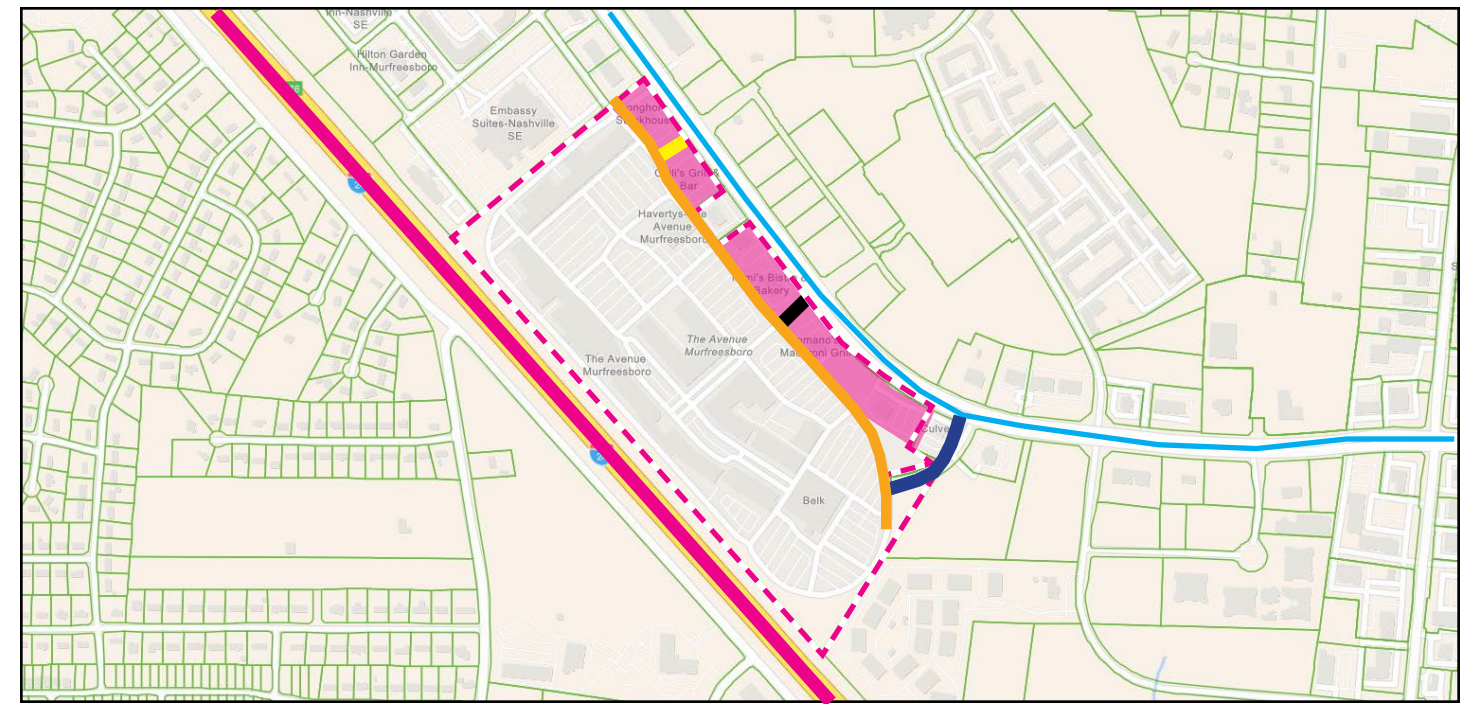
Lane Agri-park	Crumble Cookies	Embassy Suites	Clarie Park	Site Boundary
Robert Rose Village	McAlister's Deli	Everwood at The Avenue		
North Church LLC	Rooms To Go	Redstone Federal Credit Union		

The Avenue of Murfreesboro is surrounded by a mixture of commercial & office properties and residential developments. Robert Rose Village to the southeast of the development consists of commercial properties along Medical Center Parkway with apartments located in the southern rear portion of the development. Robert Rose Village includes a mix of uses including; restaurants, a medical care facility, hotel, and gas station. The exterior elevations of the apartments consist of primarily hardy board siding with brick along the front elevation for most units.

Across Medical Center Parkway, on the northeast portion of the site, is a strip of commercial properties beginning to be developed. Located behind these commercial lots are the Clari Park Townhomes. These townhomes consist primarily of brick with minimum hardy board and rear loaded garages. Adjacent to the development on the north-west side are hotels, restaurants and the Vintage at the Avenue Apartments. The Vintage at the Avenue Apartments have portions of brick siding and EIFS facade. There are three points of ingress/egress to the development from Medical Center Parkway.

Along the western portions of the site, across Interstate 24 is a mix of residential and institutional uses. Lane Agripark is Rutherford County's Community Center, Farmer's Market and Pet Adoption & Welfare Service. The majority of residential properties on the west side of Interstate 24 are zoned Medium Density Residential District (RM)

This property will have a future subdivision plat to create these separate outparcels after rezoning is completed.



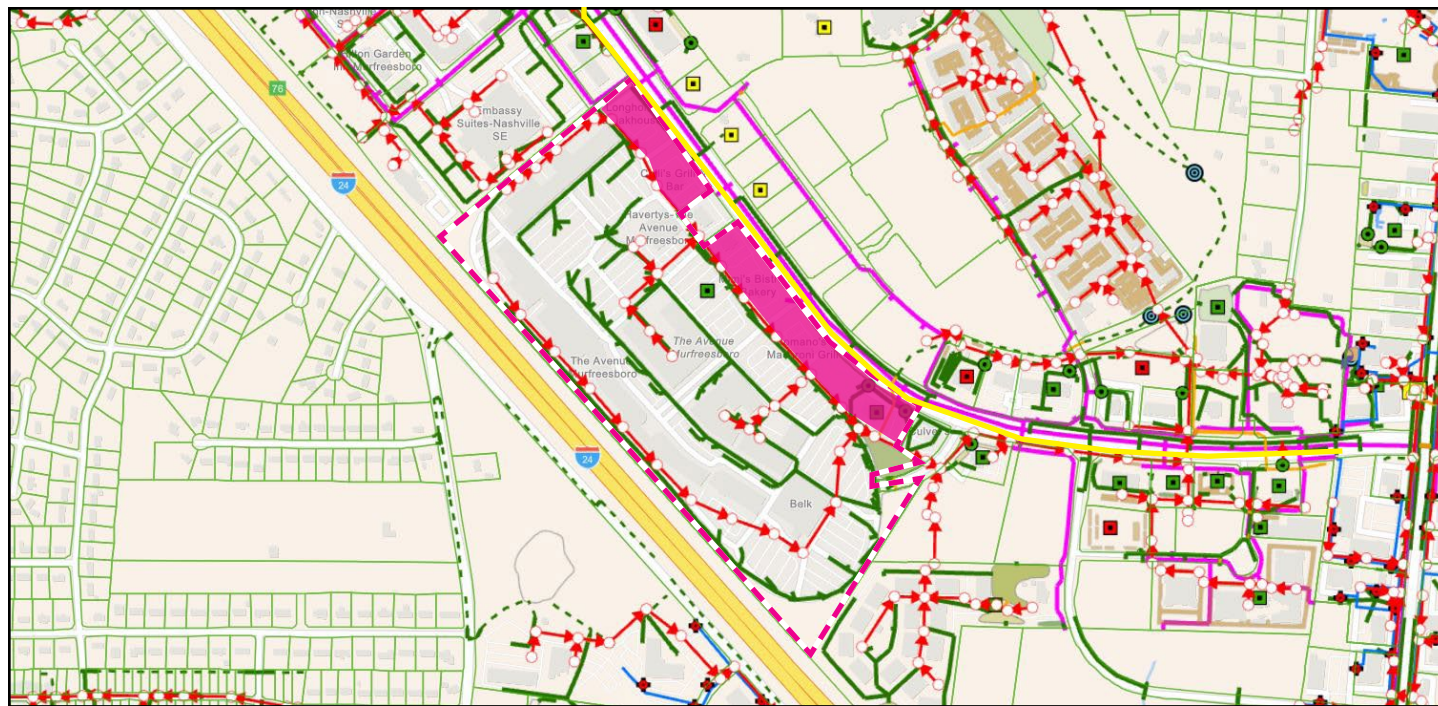
MAJOR TRANSPORTATION PLAN

Not To Scale

Medical Center Parkway	Maple Grove Drive	Site Boundary
Willowoak Trail	Avenue Way	
Honey Locust Lane	I-24 Highway	

Each of the properties currently has access to Avenue Way (Private Drive), and a few have access to Medical Center Parkway (Major Arterial - Public) via shared access drives. Although none of the roadways along surrounding this project are slated for improvements listed on the Major Transportation Plan, Medical Center Parkway is currently under design to be expanded from a 4-lane to a 6-lane road with a landscaped divided median. If right-of-way is required for widening, then it will be dedicated with the resubdivision plat.

This property is currently regulated by the Gateway Streetscape Master Plan and shall remain so. The existing streetscapes along these properties shall remain in order to preserve the overall character and quality of the Avenues. Future developments without existing streetscapes shall adhere to the Gateway Streetscape Master Plan upon development.

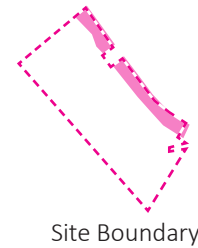


UTILITY MAP

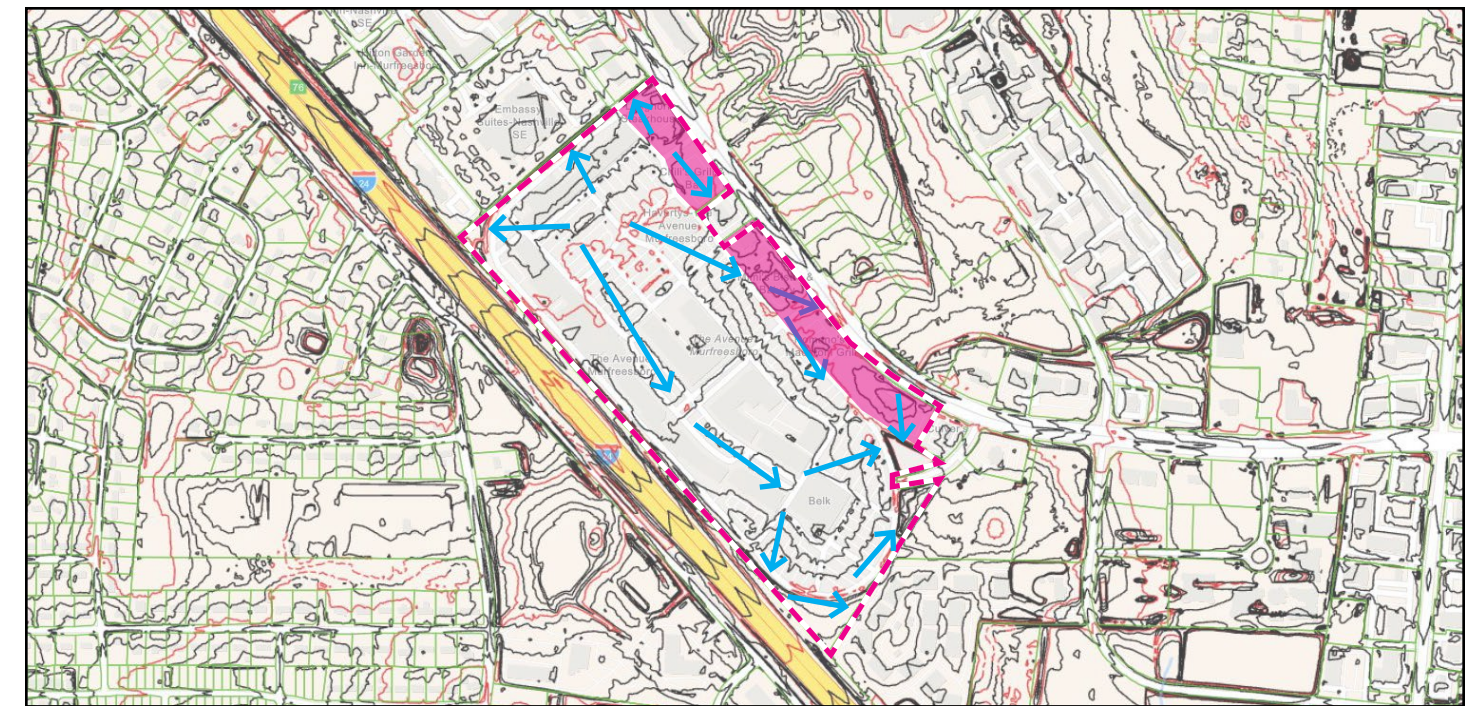
Not To Scale

-  WATER
-  SEWER
-  STORMWATER

-  ELECTRIC






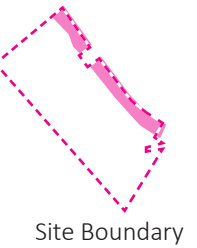
Site Boundary



HYDROLOGY AND TOPOGRAPHY

Not To Scale

-  WATER FLOW DIRECTION
-  INTERMEDIATE CONTOURS
-  INDEX CONTOURS



Site Boundary



Water service is provided by the Consolidated Utility District. There is an existing 12" PVC water line along Medical Center Parkway and a 8" water line within Avenue Way for water service into the site. Each outparcel in this proposal has access to these lines or will have access.



Sanitary sewer service is provided by the Murfreesboro Water Resource Department. Each outparcel connects or will connect to the existing 10" or 12" PVC gravity sewer line along Avenue Way. The line increases from a 10" line to a 12" line after connecting to the manhole behind Chili's. The Avenue shopping center will/does provide irrigation via repurified water lines to each outparcel in-lieu of individual taps at this time. However, if an individual outparcel desires an individual tap for their on-site irrigation source, that option shall remain.



Electric service is provided by Middle Tennessee Electric. Electrical services are provided from Medical Center Parkway. All on-site electric is underground.

The topographic map above shows the site's topographic high point generally at the northern portion of the property. From this high point, the property drains towards the northwest and southeast corner of the site. Stormwater that drains to the northwest, flows towards the North Church LLC and an open ditch system along the highway. Stormwater that drains to the southeast, flows towards the existing detention ponds where it is collected. Existing regional stormwater facilities provide for the quality and quantity of stormwater from this site and will continue to do so with this rezoning. No portion of this site is within a FEMA floodway or floodplain per FEMA panel 47149C0255J eff. 5/9/2023.

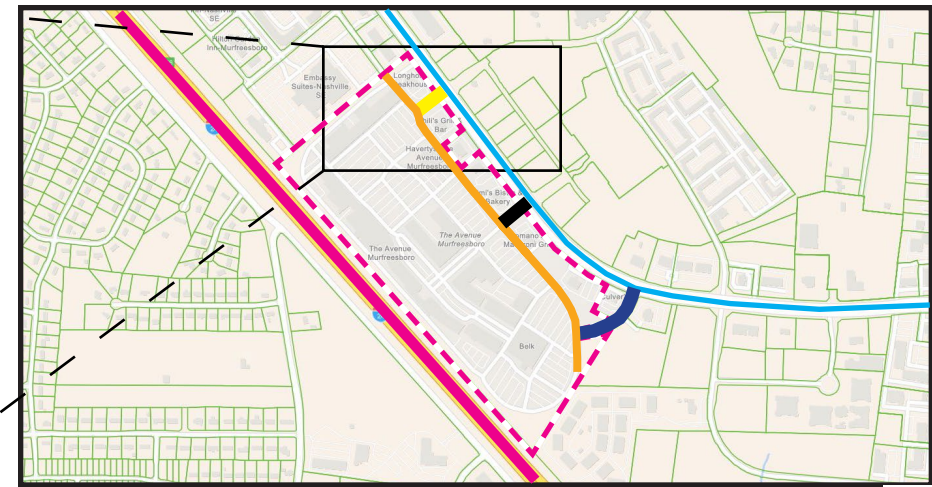
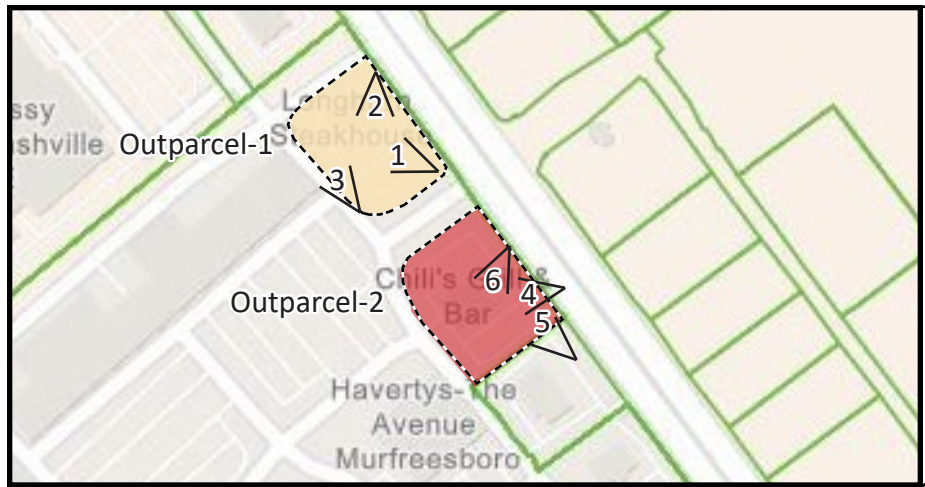
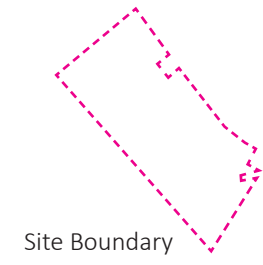


PHOTO DIRECTION MAP

Not To Scale

- Medical Center Parkway
- Willowoak Trail
- Honey Locust Lane
- Maple Grove Drive
- Avenue Way
- I-24 Highway



Site Boundary



1 - Outparcel '1' - Currently Occupied by Longhorn Steakhouse



2 - Outparcel '1'- Currently Occupied by Longhorn Steakhouse



3 - Outparcel '1'- Currently Occupied by Longhorn Steakhouse



4 - Outparcel '2'- Currently Occupied by Chili's



5 - Outparcel '2'- Currently Occupied by Chili's



6 - Outparcel '2'- Currently Occupied by Chili's

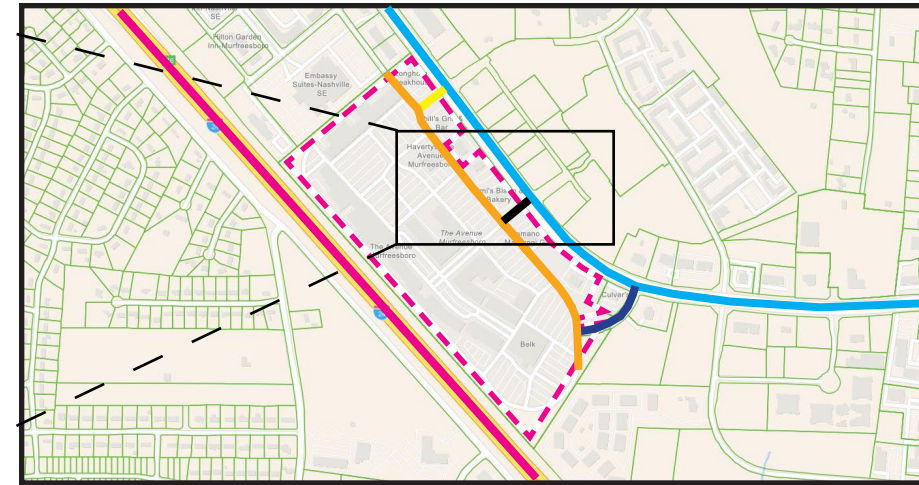
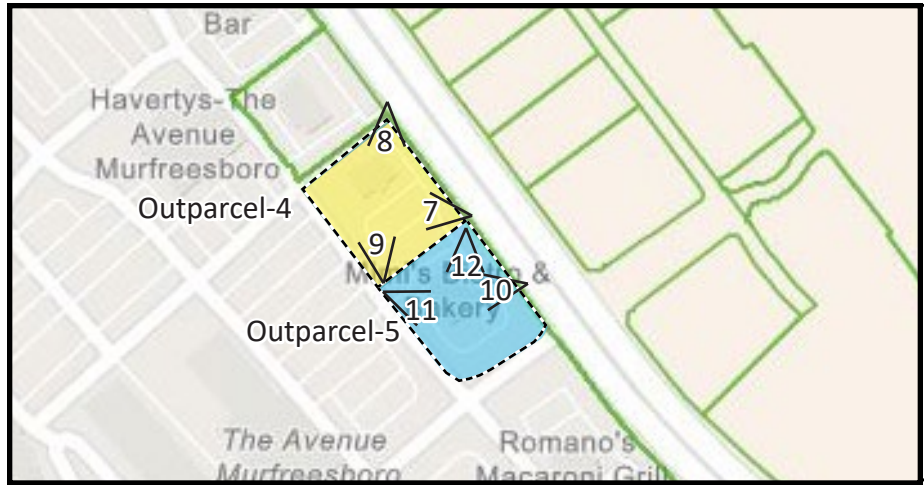
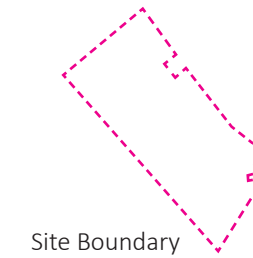


PHOTO DIRECTION MAP

Not To Scale

- Medical Center Parkway
- Willowoak Trail
- Honey Locust Lane
- Maple Grove Drive
- Avenue Way
- I-24 Highway



Site Boundary



7 - Outparcel '4'- Currently Occupied by Jared



8 - Outparcel '4'- Currently Occupied by Jared



9 - Outparcel '4'- Currently Occupied by Jared



10 - Outparcel '5'- Currently Occupied by Mimi's Cafe



11 - Outparcel '5'- Currently Occupied by Mimi's Cafe



12 - Outparcel '5'- Currently Occupied by Mimi's Cafe

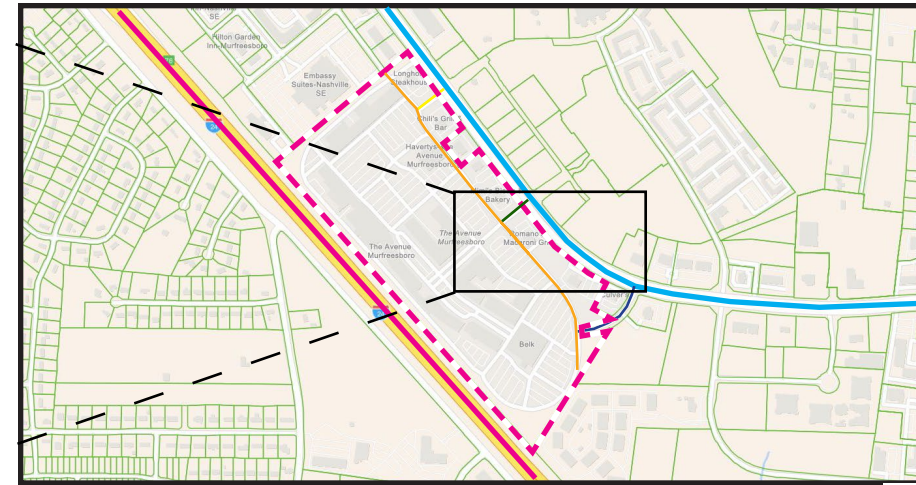
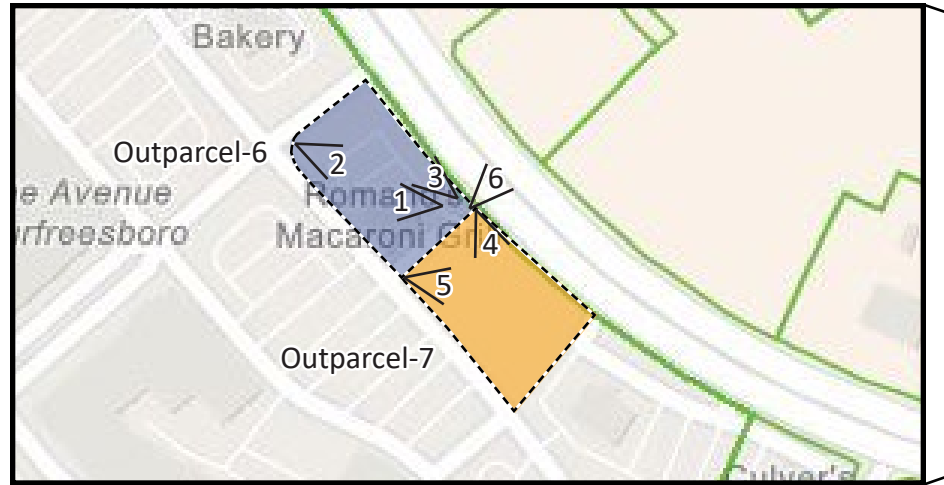
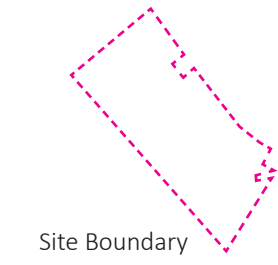


PHOTO DIRECTION MAP Not To Scale

- Medical Center Parkway
- Willowoak Trail
- Honey Locust Lane
- Maple Grove Drive
- Avenue Way
- I-24 Highway



1 - Outparcel '6'- Currently Occupied by Buffalo Wild Wings



2 - Outparcel '6'- Currently Occupied by Buffalo Wild Wings



3 - Outparcel '6'- Currently Occupied by Buffalo Wild Wings



4 - Outparcel '7'- Currently Vacant



5 - Outparcel '7'- Currently Vacant



6 - Outparcel '7'- Currently Vacant

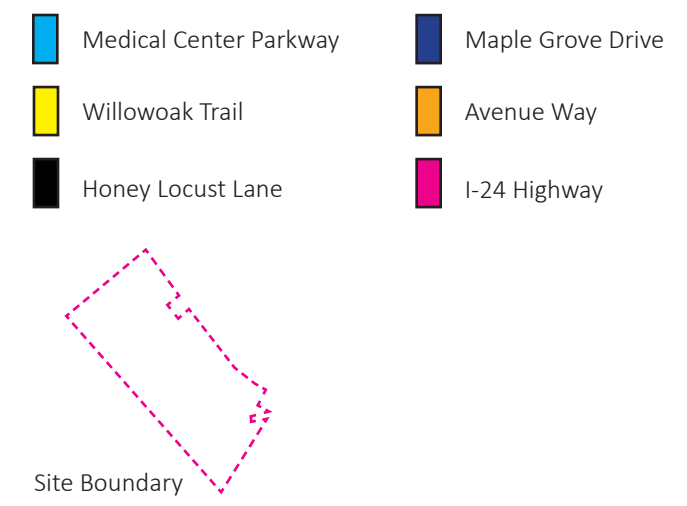
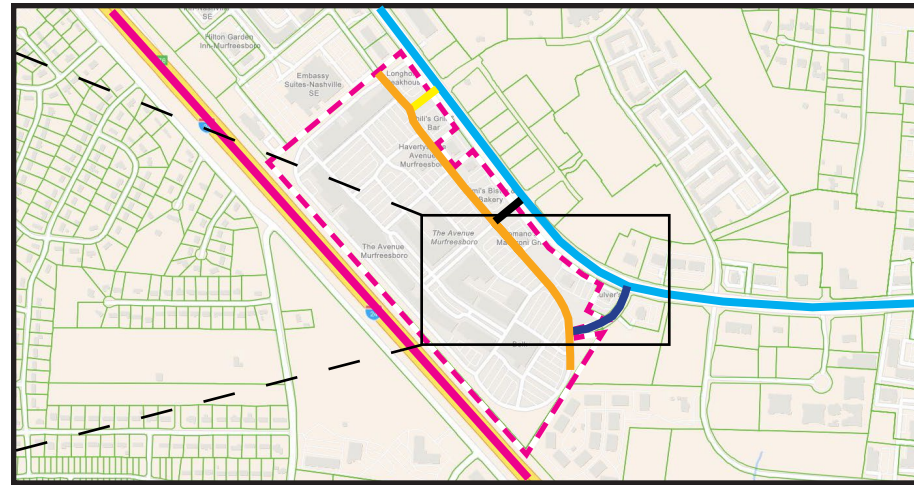
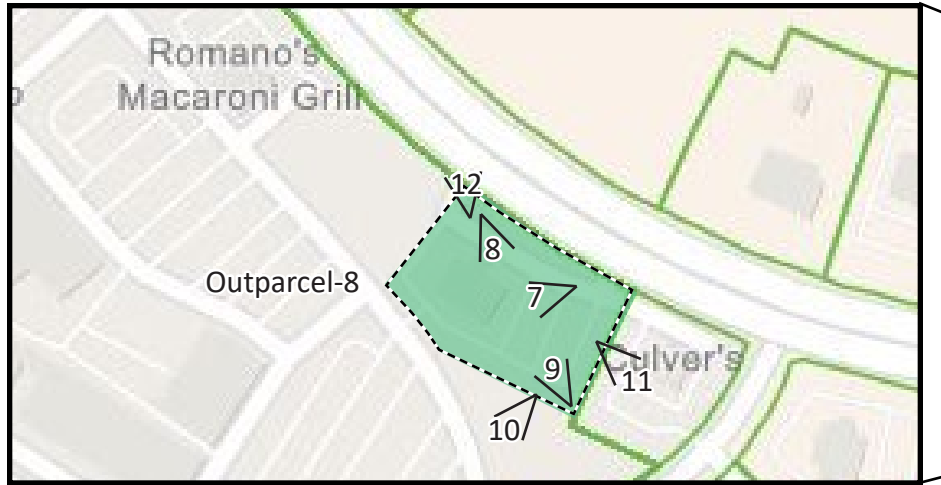


PHOTO DIRECTION MAP Not To Scale



7 - Outparcel '8'- Currently Occupied by BJ's Restaurant & Brewhouse



8 - Outparcel '8'- Currently Occupied by BJ's Restaurant & Brewhouse



9 - Outparcel '8'- Currently Occupied by BJ's Restaurant & Brewhouse



10 - Near Outparcel '8'- Stormwater Pond



11 - Outparcel '8'- Looking east at Culvert's














12 - Outparcel '8'- Currently Occupied by BJ's Restaurant & Brewhouse

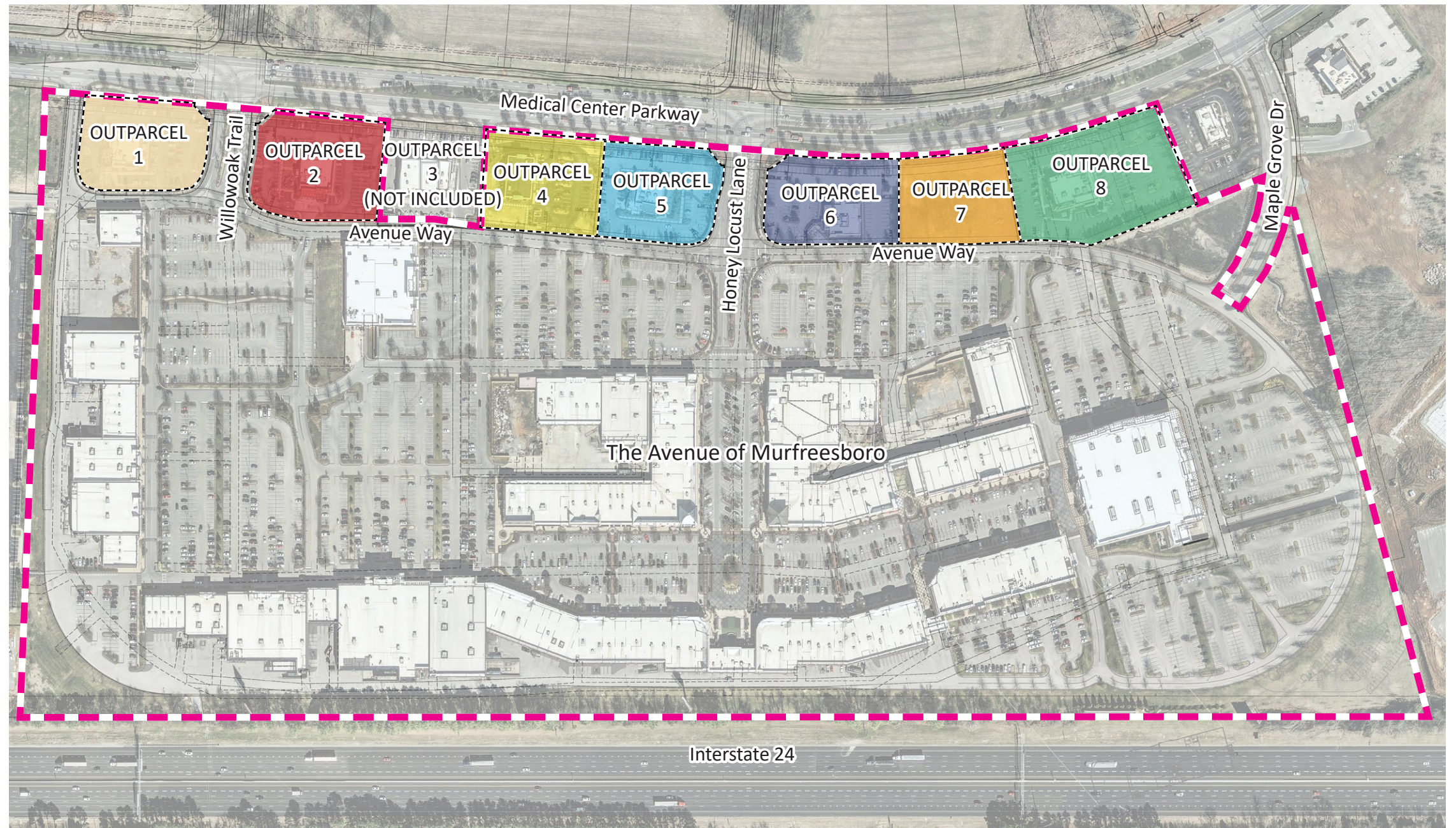
Land Use Data:

Existing Zoning: CH
 Proposed Zoning for Outparcels: PCD

Total Land Area: ±12.02 Acres

Total Land Area (Outparcel 1)	±1.62 Acres
Total Land Area (Outparcel 2)	±1.88 Acres
Total Land Area (Outparcel 4)	±1.51 Acres
Total Land Area (Outparcel 5)	±1.57 Acres
Total Land Area (Outparcel 6)	±1.72 Acres
Total Land Area (Outparcel 7)	±1.34 Acres
Total Land Area (Outparcel 8)	±2.38 Acres

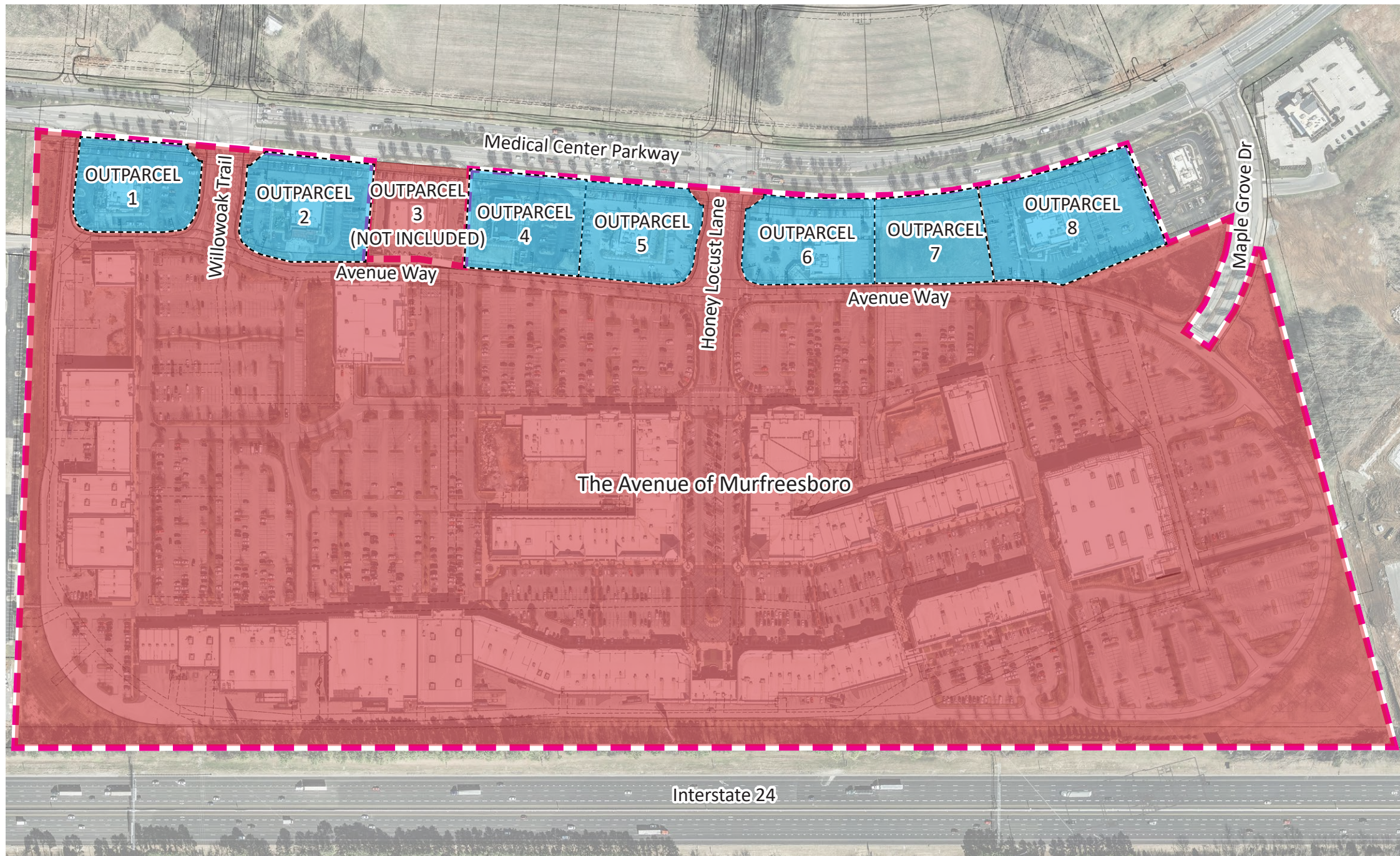
-  Commercial Building
-  Outparcel 1
-  Outparcel 2
-  Outparcel 4
-  Outparcel 5
-  Outparcel 6
-  Outparcel 7
-  Outparcel 8
-  Roadway
-  Sidewalk
-  Open Space



Development Standards of Out-parcels 1-8 (Excluding #3):

- Each outparcel shall comply with any and all regulations pertaining to the Gateway Design Overlay District as outlined in the City of Murfreesboro Zoning Ordinance and follow Design Standards
- Outparcels located along Medical Center Parkway shall be sold to existing and/or future tenants.
- These outparcels shall remain as part of the overall Avenue Master Plan and shall continue to benefit from to the shared parking agreement and aggregate open space calculations.
- The shared parking agreement will be recorded prior to the resubdivision plat being recorded.
- Buildings shall be 1 or 2-story and occupied by a single or multiple tenant(s).
- Each outparcel will have signage located on the building and along the Medical Center Parkway Frontage.
- All signage will be consistent with the Planned Signage Overlay (PSO).
- Existing and future owners of each outparcel shall maintain the existing landscapes on the each outparcel to GDO standards to create a harmonious look within the Gateway District.
- The Avenue Shopping Center owner will maintain landscaping between Medical Center Parkway right-of-way and the curbing closest to that right-of-way line.
- Any undeveloped outparcels shall provide landscape designs as required by the GDO standards.
- All mechanical equipment (i.e. HVAC and transformers) located on the ground shall be screened with landscaping or fencing. If mechanical equipment is located on the roof, then they shall be screened from view via a parapet wall.
- All on-site utilities will be underground
- Solid waste will be handled by private haulers and utilize dumpster/compactor
- 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.
- All parking areas will have curbing and be screened with a row of evergreen shrubs from Medical Center Parkway.
- Mail service will be provided via Cluster Box Unit (CBU) if required by UPS.
- On-site lighting will comply with City of Murfreesboro standards to prevent light pollution except along Avenue Way, where foot candles can exceed the limit to provided a safe lighting environment.
- Parking will comply with Murfreesboro’s Zoning Ordinance but will benefit from the shared parking agreement.







Land Use Data:

Existing Zoning: CH
 Proposed Zoning for Outparcels: PCD

Total Land Area:	±12.02 Acres
Total Land Area (Outparcel 1)	±1.62 Acres
Total Land Area (Outparcel 2)	±1.88 Acres
Total Land Area (Outparcel 4)	±1.51 Acres
Total Land Area (Outparcel 5)	±1.57 Acres
Total Land Area (Outparcel 6)	±1.72 Acres
Total Land Area (Outparcel 7)	±1.34 Acres
Total Land Area (Outparcel 8)	±2.38 Acres

Rezoning Notes:

1. Proposed property lines and rezoning lines shall be placed behind the existing sidewalk(s) along all roadways except Medical Center Parkway.
2. A resubdivision plat shall be submitted to further outline the proposed zoning lines and property lines.

 Existing CH Zoning To Remain
 Proposed PCD Zoning

SEC, Inc.

SEC Project #08250 Murfreesboro, Tennessee



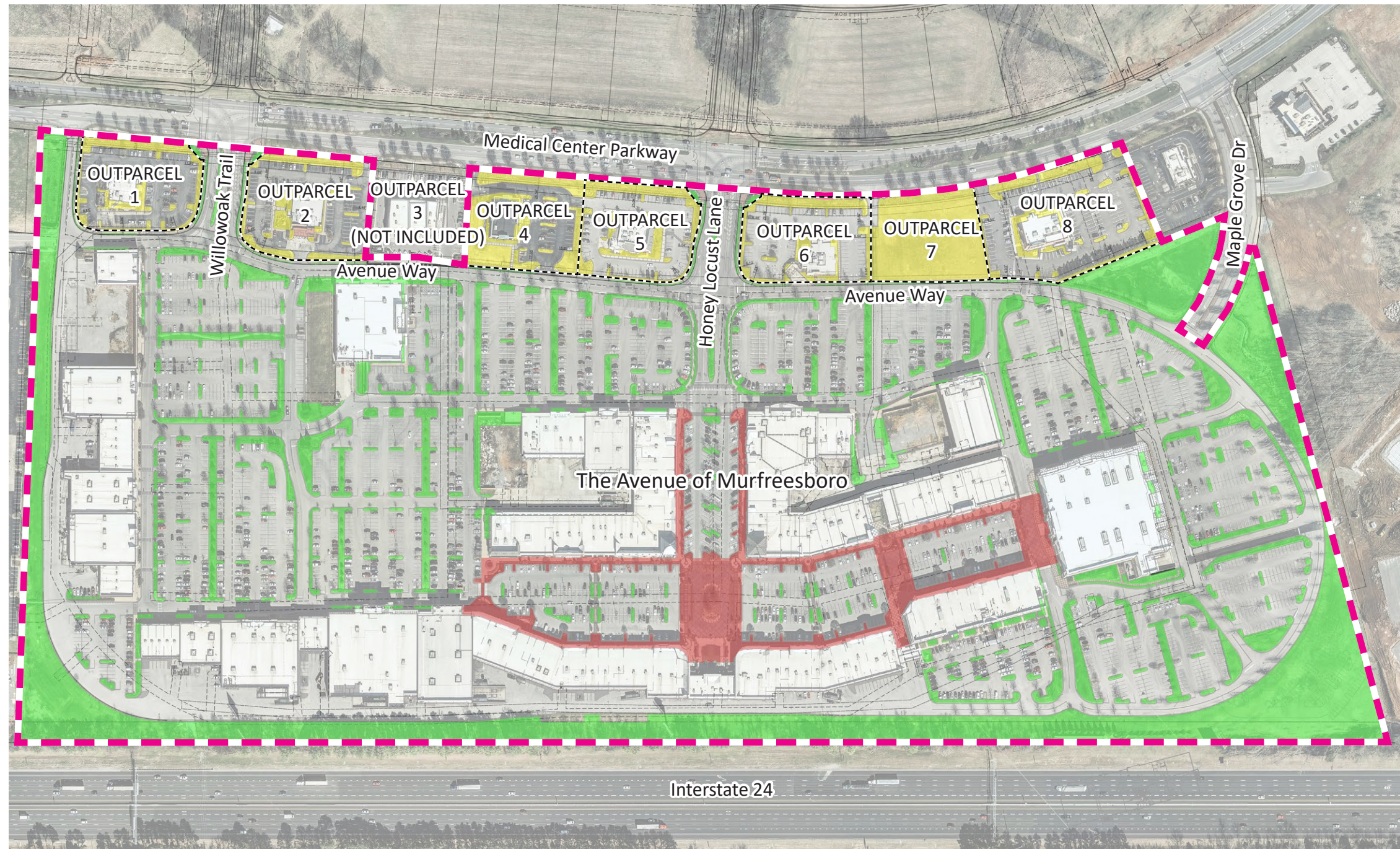
NOT TO SCALE

Land Use Data:

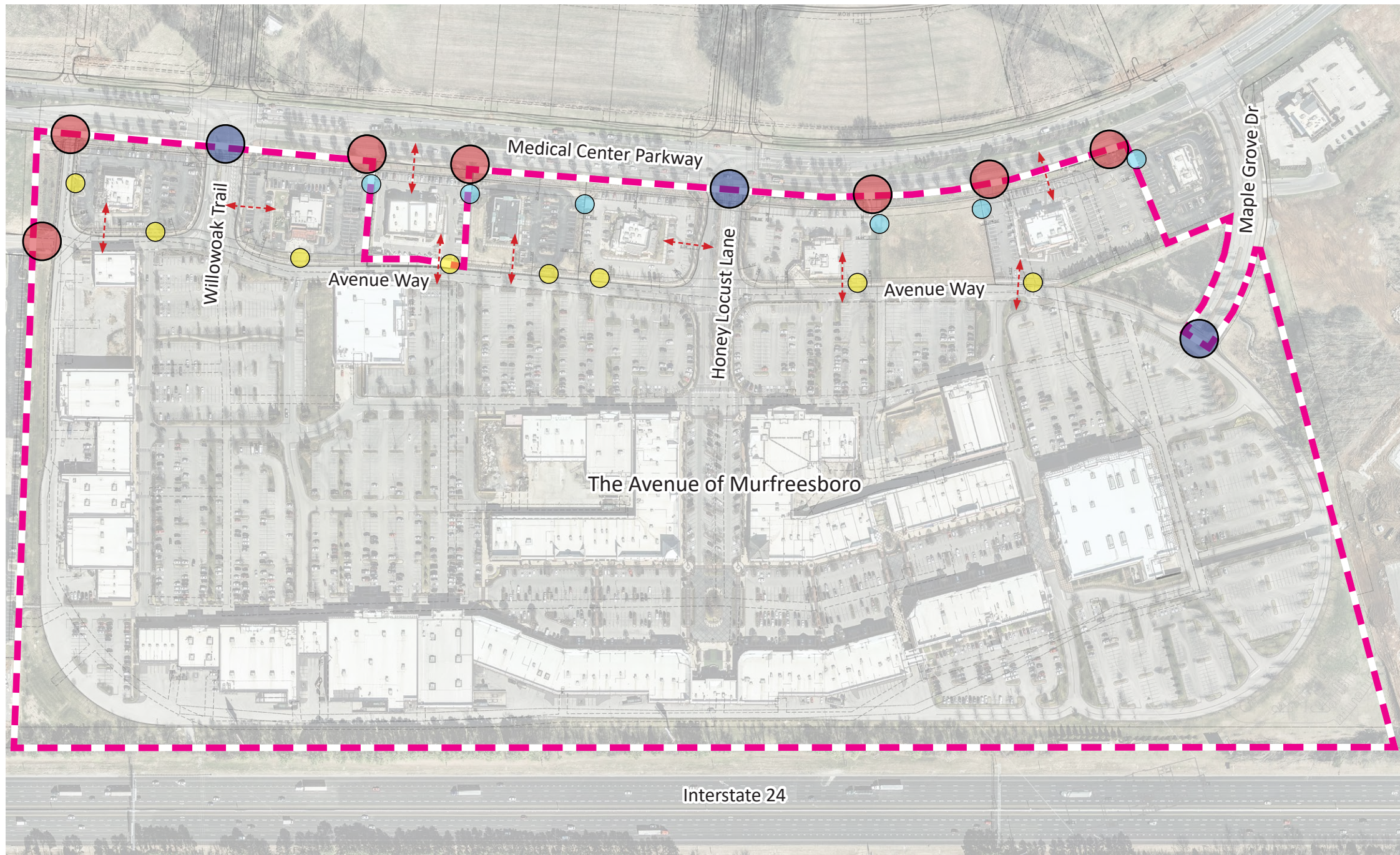
Existing Zoning:	CH
Overall Development Land Area:	±96.23 Acres
Required Open Space:	±19.25 Acres (20%)
Provided Open Space:	±24.99 Acres (26%)
Required Formal Open Space:	±2.88 Acres (3.00%)
Provided Formal Open Space:	±3.60 Acres (3.74%)

Outparcel Land Use Data:

Existing Zoning:	CH
Proposed Zoning:	PCD
Total Land Area:	±12.02 Acres
Total Land Area (Outparcel 1)	±1.62 Acres
Required Open Space:	±0.32 Acres (20%)
Provided Open Space:	±0.44 Acres (27%)
Total Land Area (Outparcel 2)	±1.88 Acres
Required Open Space:	±0.38 Acres (20%)
Provided Open Space:	±0.48 Acres (26%)
Total Land Area (Outparcel 4)	±1.51 Acres
Required Open Space:	±0.30 Acres (20%)
Provided Open Space:	±0.69 Acres (45%)
Total Land Area (Outparcel 5)	±1.57 Acres
Required Open Space:	±0.31 Acres (20%)
Provided Open Space:	±0.46 Acres (29%)
Total Land Area (Outparcel 6)	±1.72 Acres
Required Open Space:	±0.34 Acres (20%)
Provided Open Space:	±0.42 Acres (24%)
Total Land Area (Outparcel 7)	±1.34 Acres
Required Open Space:	±0.27 Acres (20%)
Provided Open Space:	±1.26 Acres (94%)
Total Land Area (Outparcel 8)	±2.38 Acres
Required Open Space:	±0.48 Acres (20%)
Provided Open Space:	±0.54 Acres (23%)
Avenue Remaining Land Area:	±84.21 Acres
Required Open Space:	±16.84 Acres (20%)
Provided Open Space:	±20.70 Acres (25%)
Required Formal Open Space:	±2.53 Acres (3.00%)
Provided Formal Open Space:	±3.24 Acres (3.85%)



- Proposed Outparcel Open Space (±4.29 AC)
- Proposed Avenue Open Space (±20.70 AC)
- Proposed Avenue Formal Open Space (±3.24 AC)



- Primary Point of Ingress/Egress to The Avenue Shopping Center
- Secondary Point of Ingress/Egress to The Avenue Shopping Center
- External Point of Ingress/Egress to Adjacent Drives
- Internal Point of Ingress/Egress to Adjacent Parcels
- Pedestrian Connection to External Sidewalks

Ingress/Egress

Pursuant to the City of Murfreesboro’s Major Transportation Plan (MTP), none of the roadways surrounding this development are currently slated for improvements. Medical Center Parkway is currently under design to be expanded from a 4-lane to a 6-lane road with a landscaped divided median. If right-of-way is required for widening, then it will be dedicated with the resubdivision plat.

This property is currently regulated by the Gateway Streetscape Master Plan and shall remain so. The existing streetscapes along these properties shall remain in order to preserve the overall character and quality of the Avenues. Future developments without existing streetscapes shall adhere to the Gateway Streetscape Master Plan upon development.

The primary entrances to The Avenue Shopping Center incorporate three or more travel lanes for property circulation into and out of the site. Secondary entrances to The Avenue Shopping Center incorporate two travel lanes, one lane for traffic going each direction.

External and internal points of ingress/egress incorporate two travel lanes, one lane for traffic going each direction. The external points of ingress/egress all front onto Avenue Way except for one, which fronts onto a private drive to the northwest of Longhorn Steakhouse on Outparcel 1.



SEC Project #08250 Murfreesboro, Tennessee



NOT TO SCALE

Outparcel 1 - Longhorn Steakhouse





Land Use Data:

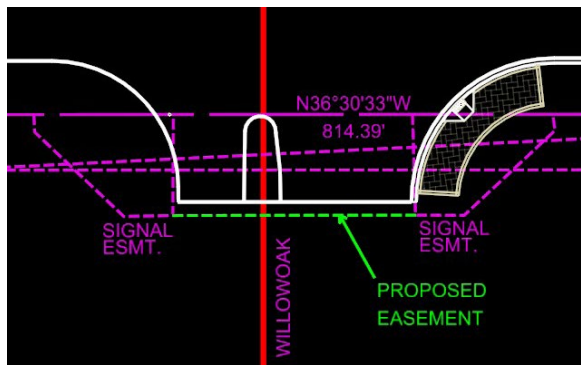
Existing Zoning: CH
 Proposed Zoning for Out-Parcels: PCD

Total Land Area: ±1.62 AC
 Total Building Area: ±5,790 SF
 Required Open Space: ±0.32 AC (20%)
 Provided Open Space: ±0.44 AC (27%)
 Required Formal Open Space: ±0.05 AC (3%)
 Provided Formal Open Space: Unknown

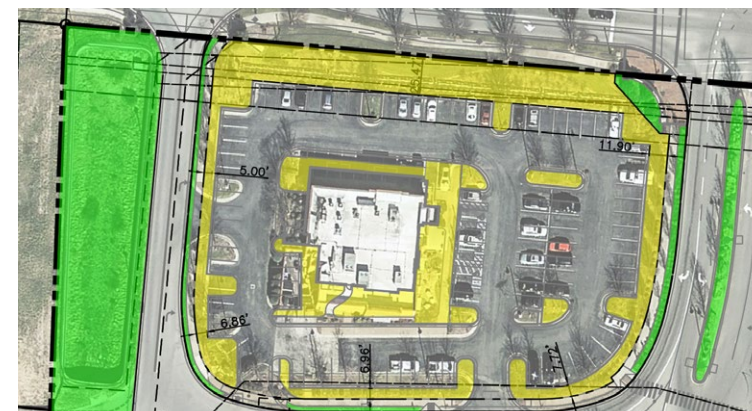
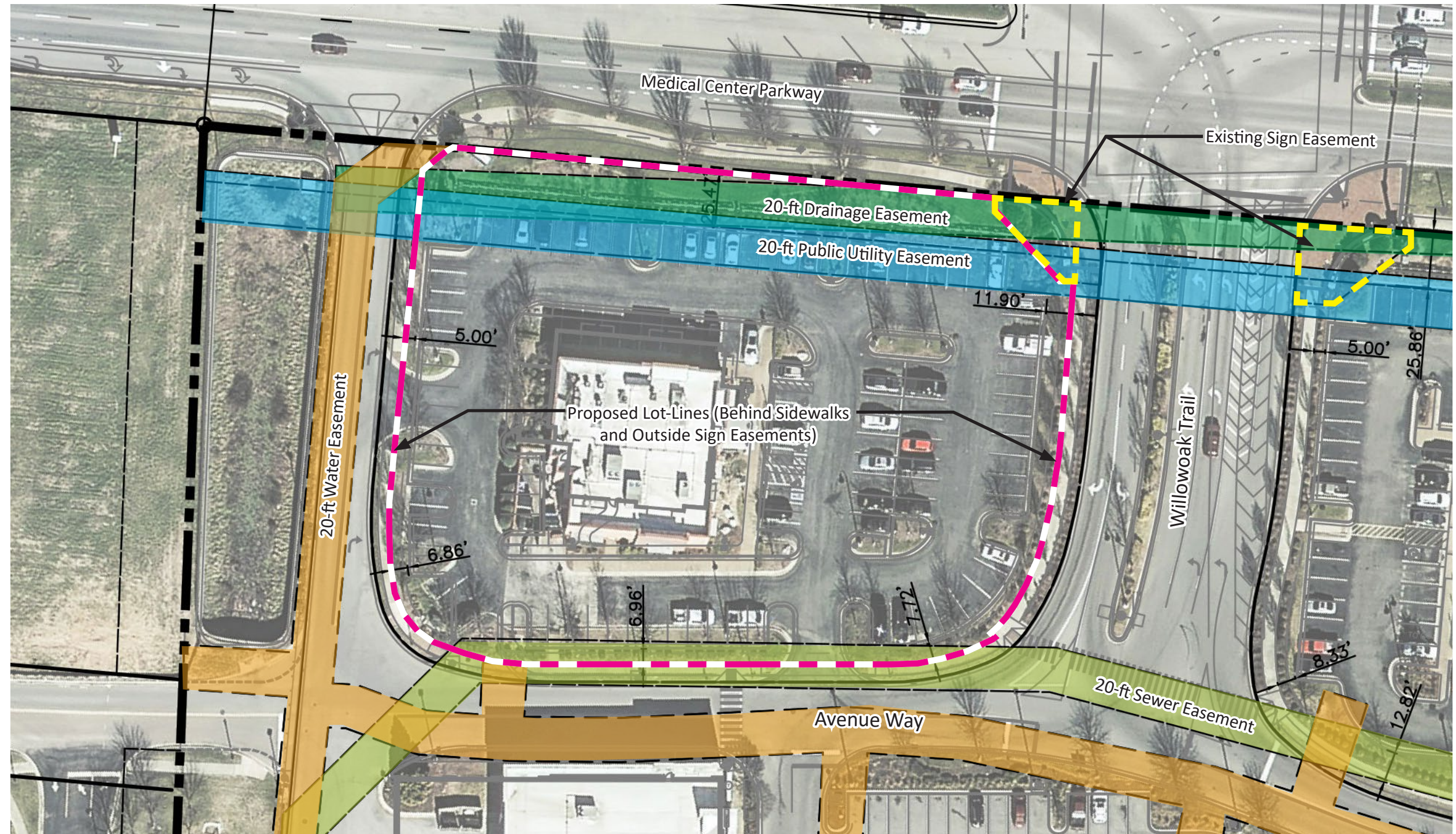
Required Parking:
 5,790 SF x (1 Space / 100 SF) = 58 Spaces

Provided Parking:
 Standard Parking Spaces: 92 Spaces
 To-Go Pick Up Spaces: 0 Spaces
 Handicap Parking Spaces: 5 Spaces
 Total Parking Provided: 97 Spaces (±39)



-  Public Utility Easement
-  Drainage Easement
-  Sewer Easement
-  Water Easement



With this development, the existing signal easement shall be expanded across the roadway as shown in green and shall be changed to an access easement. This will allow for maintenance and modifications of the existing plaza area and the existing walls along Medical Center Parkway.



Outparcel 1 - Open Space Diagram

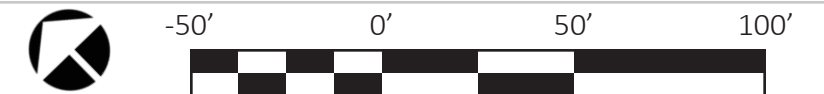
-  Outparcel Open Space
-  Existing Avenue Open Space

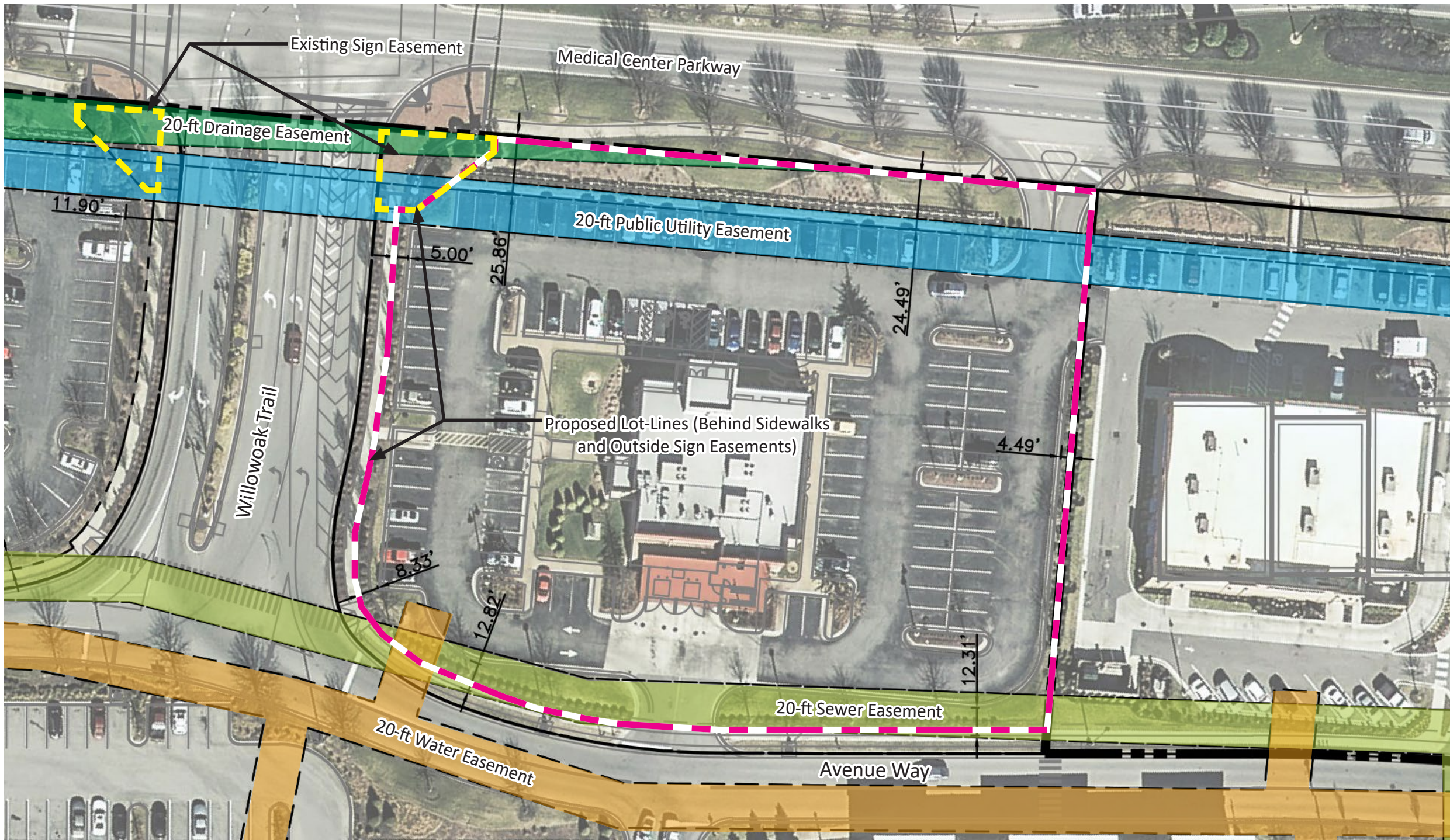
Outparcel 1 Land Use Parameters and Building Setbacks

Zoning (Existing vs Proposed)	CH	PCD	Difference
Minimum Setback Requirements			
Minimum Front Setback	42'	42'	0'
Minimum Side Setback	0'	0'	0'
Minimum Rear Setback	20'	20'	0'
Other Requirements			
Minimum Open Space Requirement	20%	20%	0%
Maximum Height	75'	75'	0'

SEC, Inc.

SEC Project #08250 Murfreesboro, Tennessee



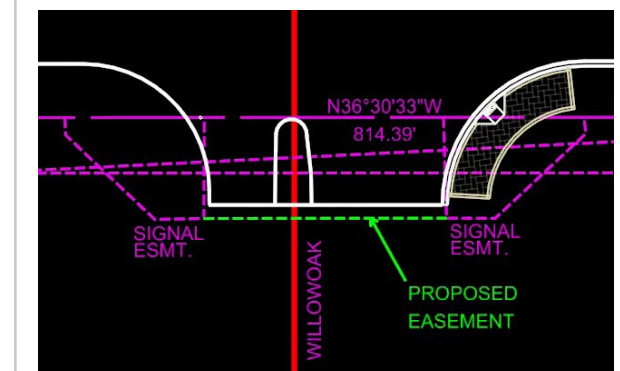


Outparcel 2 - Chili's Bar & Grill

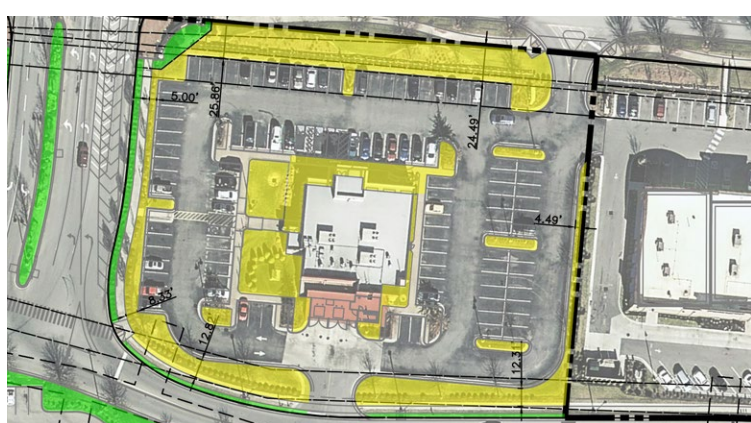
Land Use Data:

Existing Zoning:	CH
Proposed Zoning for Out-Parcels:	PCD
Total Land Area:	±1.88 AC
Total Building Area:	±6,135 SF
Required Open Space:	±0.38 AC (20%)
Provided Open Space:	±0.48 AC (26%)
Required Formal Open Space:	±0.06 AC (3%)
Provided Formal Open Space:	Unknown
Required Parking:	
6,135 SF x (1 Space / 100 SF) =	61 Spaces
Provided Parking:	
Standard Parking Spaces:	100 Spaces
To-Go Pick Up Spaces:	4 Spaces
Handicap Parking Spaces:	5 Spaces
Total Parking Provided:	109 Spaces (±48)

- Public Utility Easement
- Drainage Easement
- Sewer Easement
- Water Easement



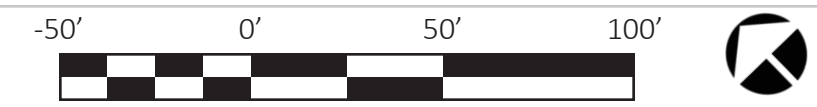
With this development, the existing signal easement shall be expanded across the roadway as shown in green and shall be changed to an access easement. This will allow for maintenance and modifications of the existing plaza area and the existing walls along Medical Center Parkway.



Outparcel 2 - Open Space Diagram

- Outparcel Open Space
- Existing Avenue Open Space

Outparcel 2 Land Use Parameters and Building Setbacks			
Zoning (Existing vs Proposed)	CH	PCD	Difference
Minimum Setback Requirements			
Minimum Front Setback	42'	42'	0'
Minimum Side Setback	0'	0'	0'
Minimum Rear Setback	20'	20'	0'
Other Requirements			
Minimum Open Space Requirement	20%	20%	0%
Maximum Height	75'	75'	0'



Outparcel 4 - Jared

Land Use Data:

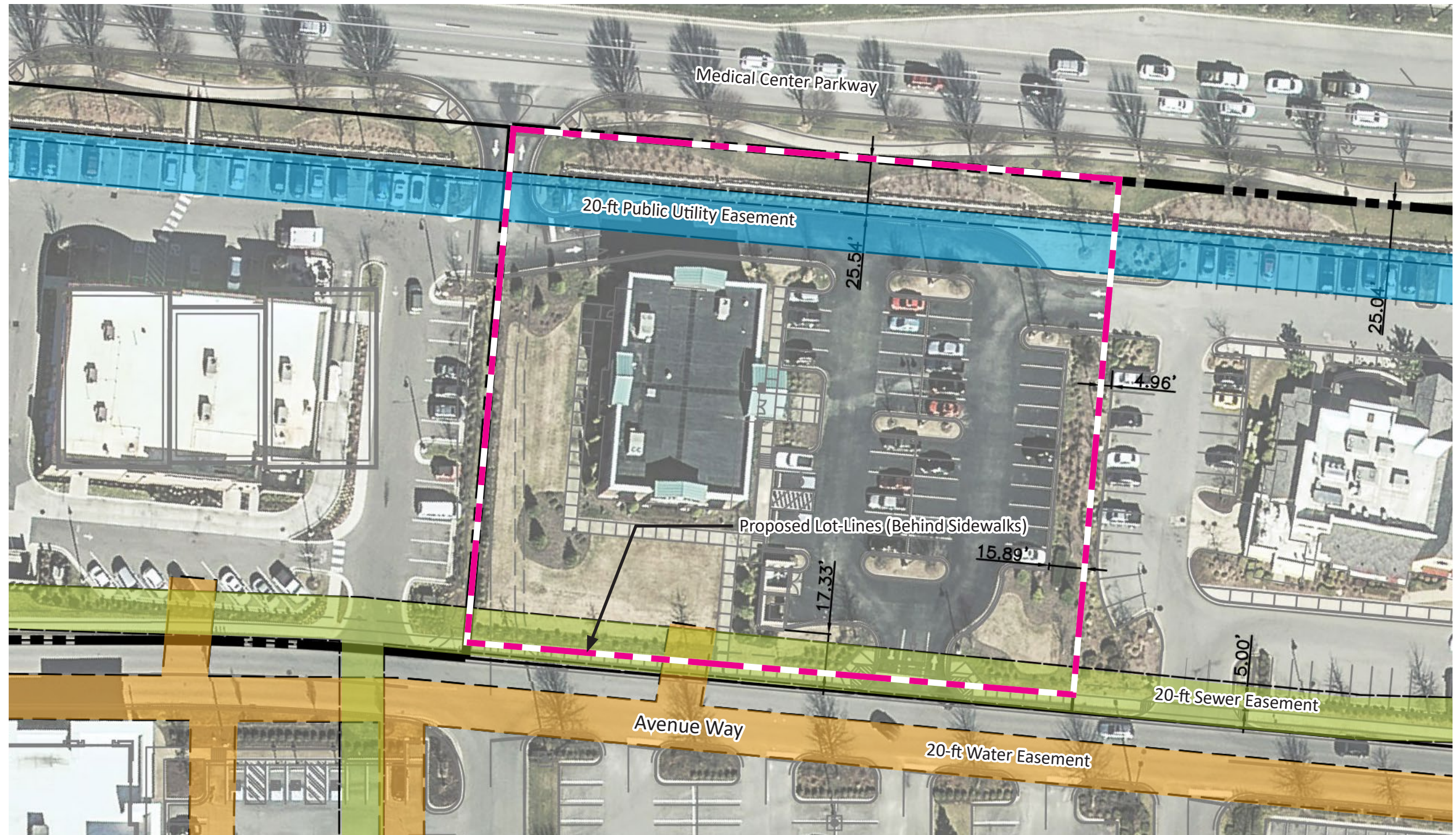
Existing Zoning: CH
 Proposed Zoning for Out-Parcels: PCD

Total Land Area: ±1.51 AC
 Total Building Area: ±6,033 SF
 Required Open Space: ±0.30 AC (20%)
 Provided Open Space: ±0.69 AC (45%)
 Required Formal Open Space: ±0.05 AC (3%)
 Provided Formal Open Space: Unknown

Required Parking:
 6,033 SF x (1 Space / 225 SF) = 27 Spaces

Provided Parking:
 Standard Parking Spaces: 41 Spaces
 To-Go Pick Up Spaces: 0 Spaces
 Handicap Parking Spaces: 2 Spaces
 Total Parking Provided: 43 Spaces (±16)

- Public Utility Easement
- Drainage Easement
- Sewer Easement
- Water Easement



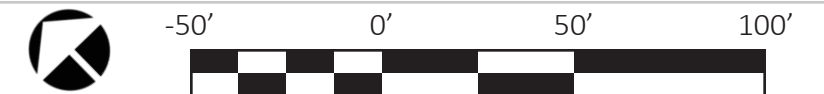
Outparcel 4 - Open Space Diagram

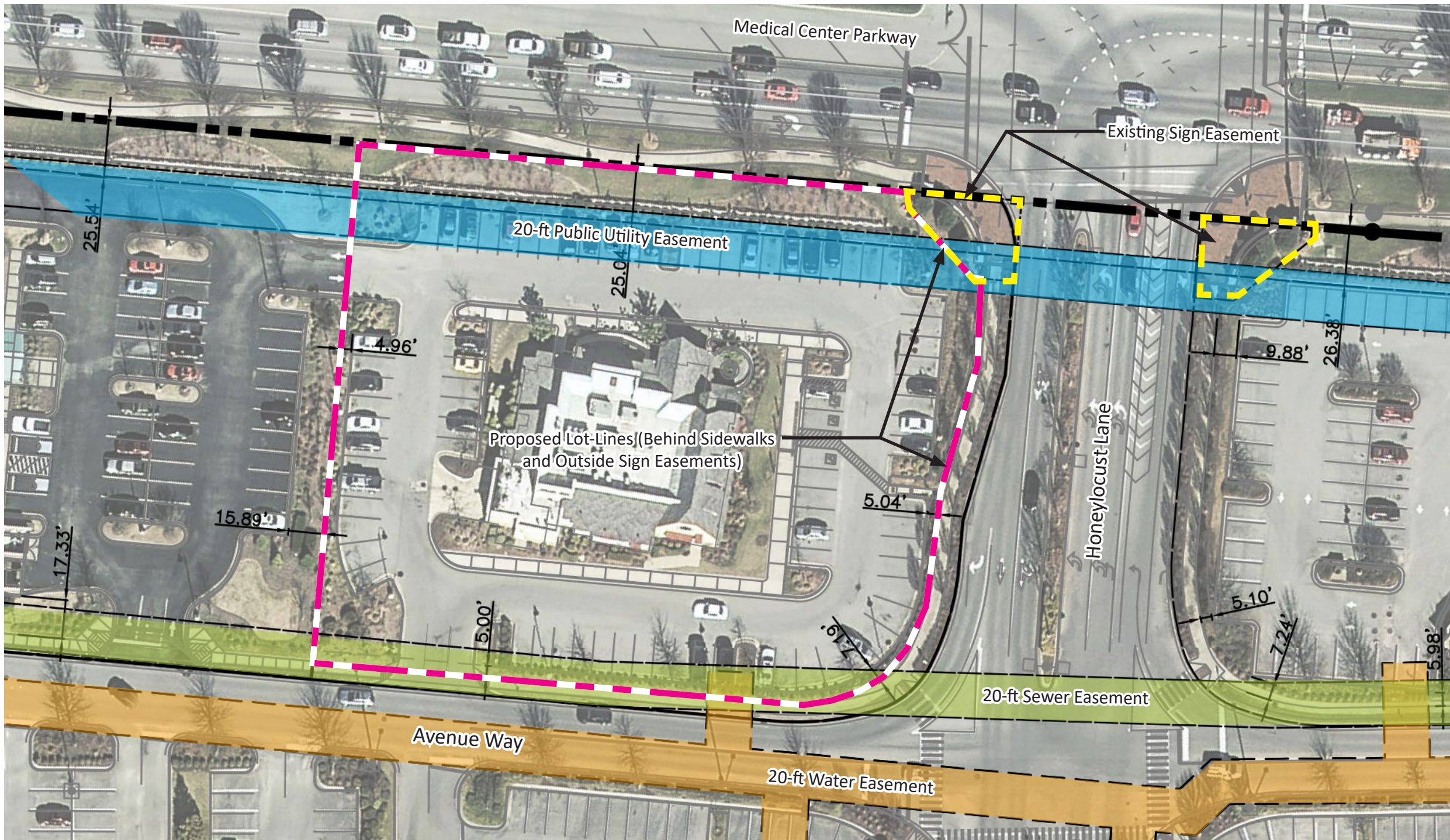
Outparcel 4 Land Use Parameters and Building Setbacks

Zoning (Existing vs Proposed)	CH	PCD	Difference
Minimum Setback Requirements			
Minimum Front Setback	42'	42'	0'
Minimum Side Setback	0'	0'	0'
Minimum Rear Setback	20'	20'	0'
Other Requirements			
Minimum Open Space Requirement	20%	20%	0%
Maximum Height	75'	75'	0'

SEC, Inc.

SEC Project #08250 Murfreesboro, Tennessee



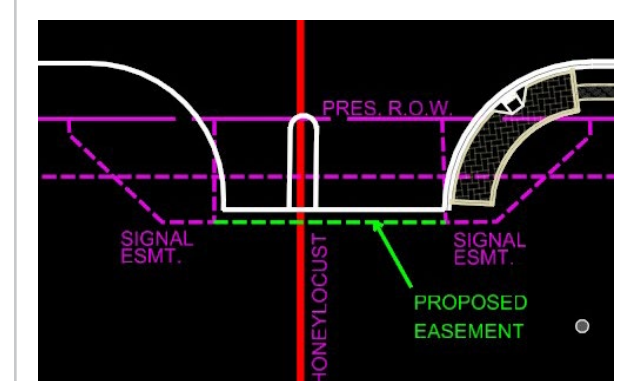


Outparcel 5 - Mimi's Cafe

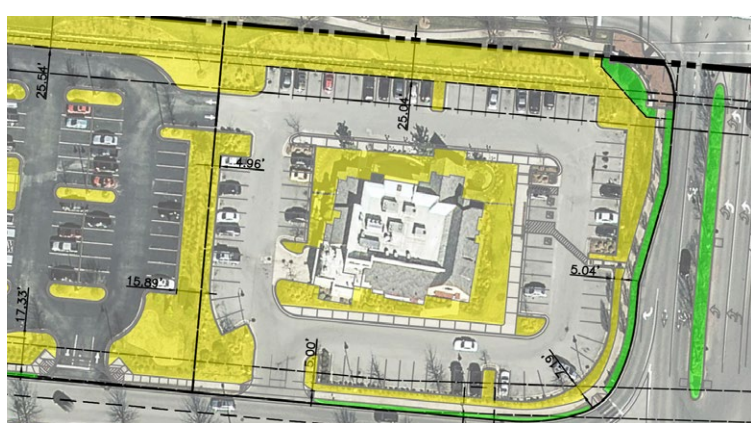
Land Use Data:

Existing Zoning:	CH
Proposed Zoning for Out-Parcels:	PCD
Total Land Area:	±1.57 AC
Total Building Area:	±7,441 SF
Required Open Space:	±0.31 AC (20%)
Provided Open Space:	±0.46 AC (29%)
Required Formal Open Space:	±0.05 AC (3%)
Provided Formal Open Space:	Unknown
Required Parking:	
7,441 SF x (1 Space / 100 SF) =	74 Spaces
Provided Parking:	
Standard Parking Spaces:	80 Spaces
To-Go Pick Up Spaces:	0 Spaces
Handicap Parking Spaces:	4 Spaces
Total Parking Provided:	84 Spaces (±10)

- Public Utility Easement
- Drainage Easement
- Sewer Easement
- Water Easement



With this development, the existing signal easement shall be expanded across the roadway as shown in green and shall be changed to an access easement. This will allow for maintenance and modifications of the existing plaza area and the existing walls along Medical Center Parkway.



Outparcel 5 - Open Space Diagram

- Outparcel Open Space
- Existing Avenue Open Space

Outparcel 5 Land Use Parameters and Building Setbacks			
Zoning (Existing vs Proposed)	CH	PCD	Difference
Minimum Setback Requirements			
Minimum Front Setback	42'	42'	0'
Minimum Side Setback	0'	0'	0'
Minimum Rear Setback	20'	20'	0'
Other Requirements			
Minimum Open Space Requirement	20%	20%	0%
Maximum Height	75'	75'	0'



Outparcel 6 - Buffalo Wild Wings





Land Use Data:

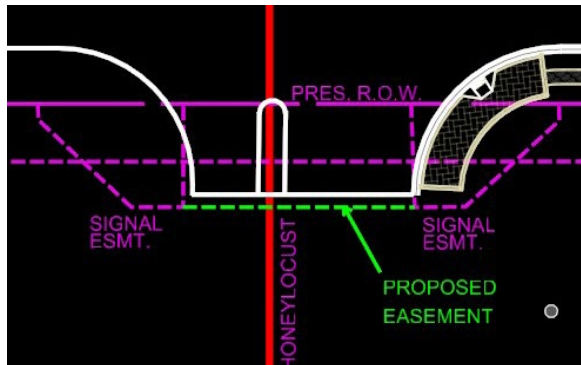
Existing Zoning: CH
 Proposed Zoning for Out-Parcels: PCD

Total Land Area: ±1.72 AC
 Total Building Area: ±6,491 SF
 Required Open Space: ±0.34 AC (20%)
 Provided Open Space: ±0.42 AC (24%)
 Required Formal Open Space: ±0.05 AC (3%)
 Provided Formal Open Space: Unknown

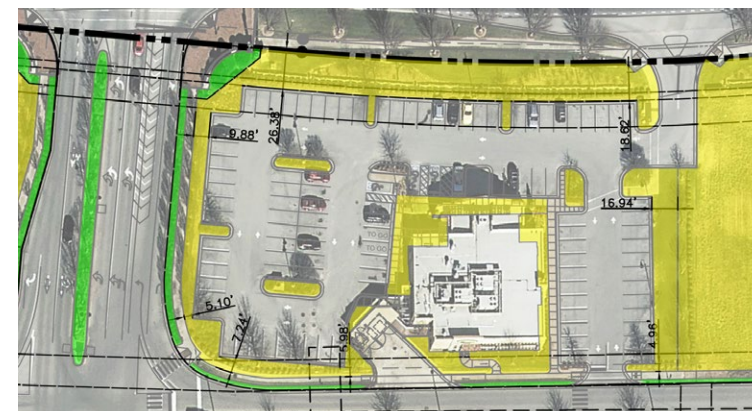
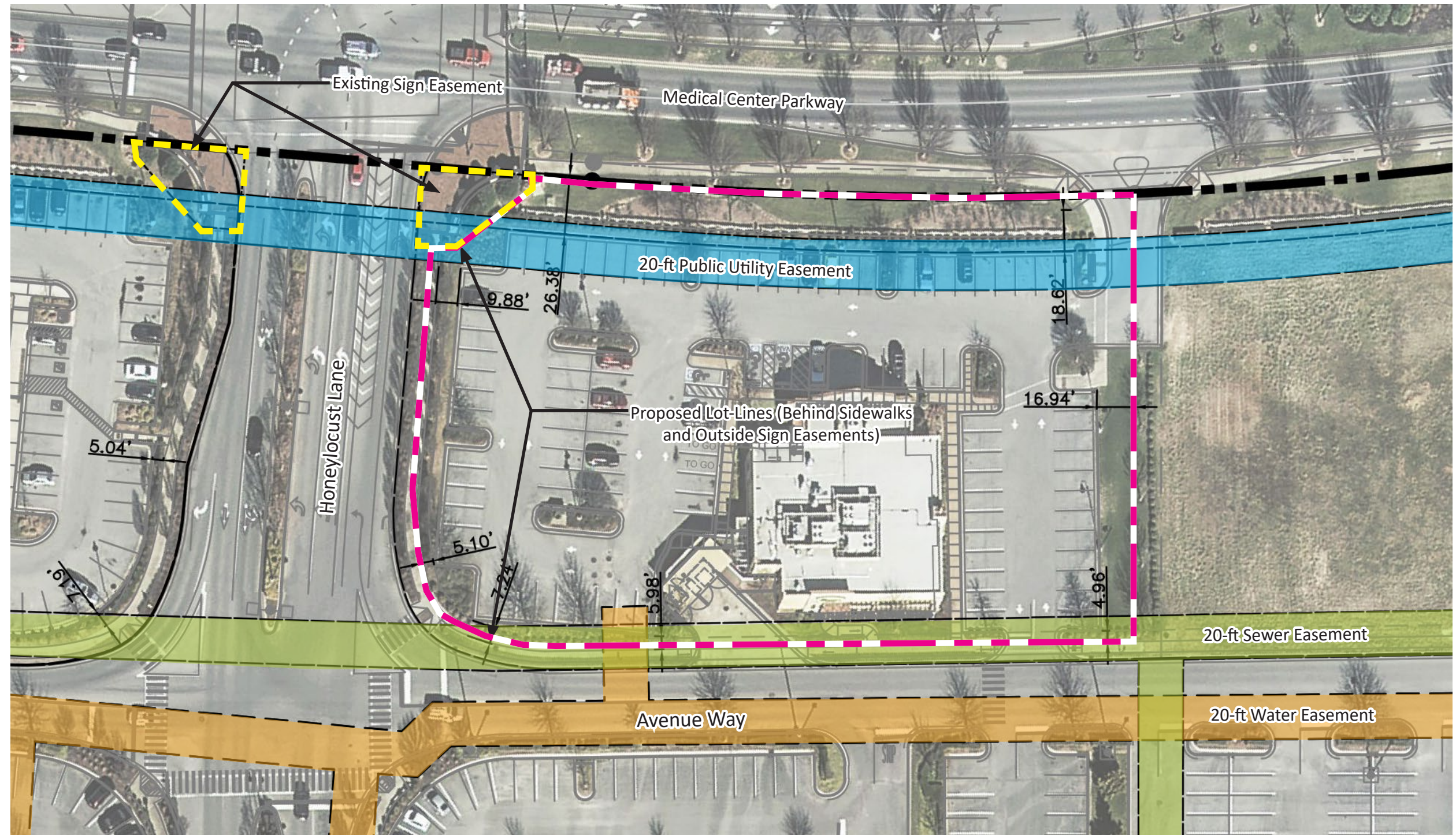
Required Parking: 6,491 SF x (1 Space / 100 SF) = 65 Spaces

Provided Parking: 97 Spaces
 Standard Parking Spaces: 97 Spaces
 To-Go Pick Up Spaces: 3 Spaces
 Handicap Parking Spaces: 5 Spaces
 Total Parking Provided: 105 Spaces (±40)



-  Public Utility Easement
-  Drainage Easement
-  Sewer Easement
-  Water Easement



With this development, the existing signal easement shall be expanded across the roadway as shown in green and shall be changed to an access easement. This will allow for maintenance and modifications of the existing plaza area and the existing walls along Medical Center Parkway.



Outparcel 6 - Open Space Diagram

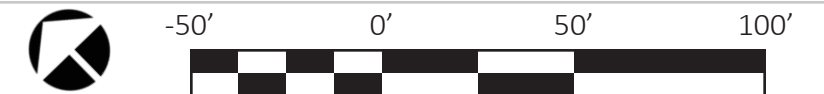
-  Outparcel Open Space
-  Existing Avenue Open Space

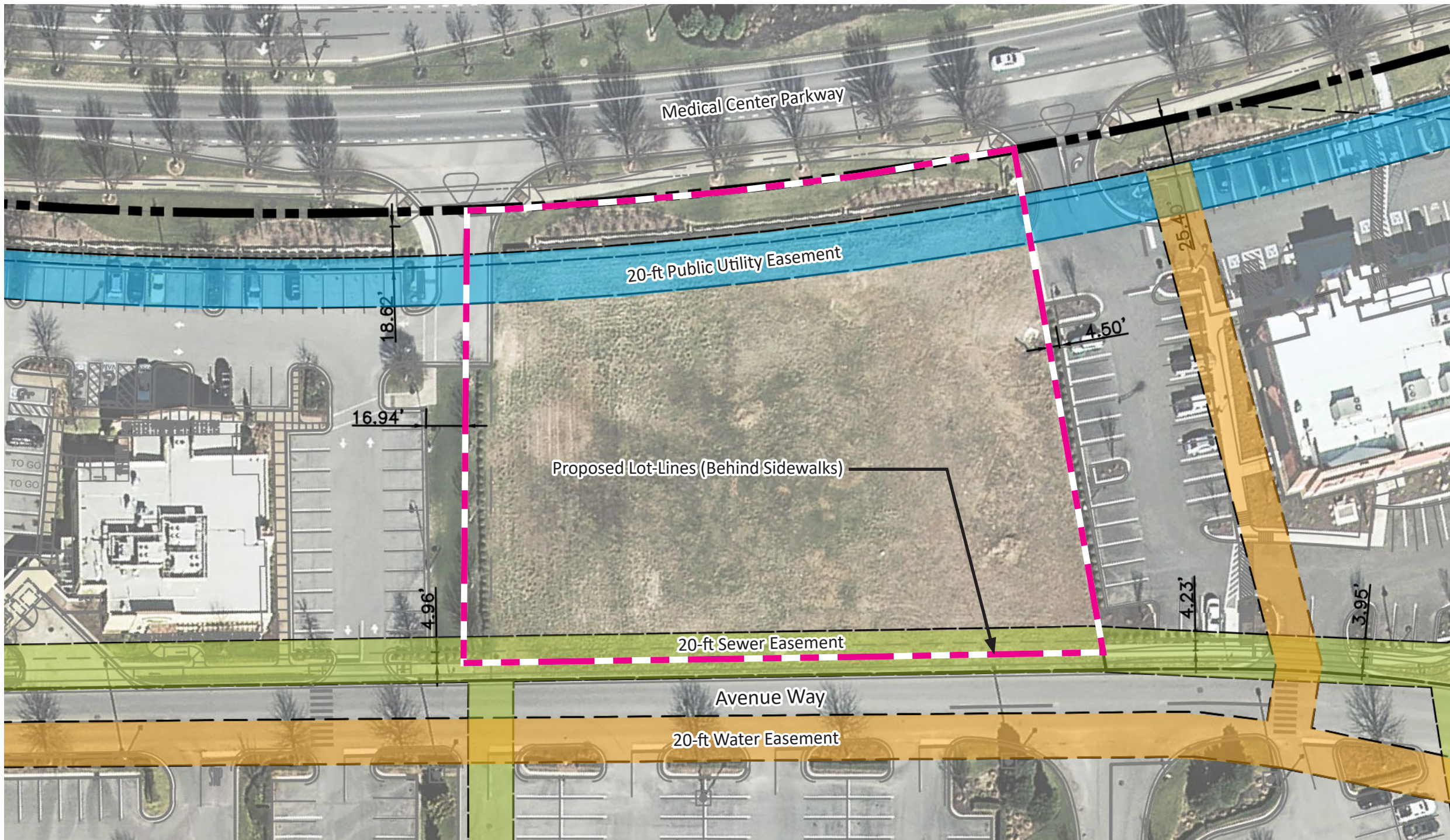
Outparcel 6 Land Use Parameters and Building Setbacks

Zoning (Existing vs Proposed)	CH	PCD	Difference
Minimum Setback Requirements			
Minimum Front Setback	42'	42'	0'
Minimum Side Setback	0'	0'	0'
Minimum Rear Setback	20'	10'	-10'
Other Requirements			
Minimum Open Space Requirement	20%	20%	0%
Maximum Height	75'	75'	0'



SEC Project #08250 Murfreesboro, Tennessee



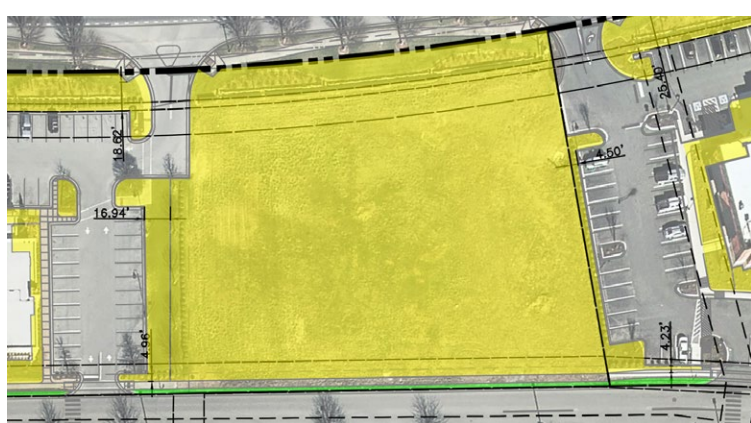


Outparcel 7 - Vacant Lot

Land Use Data:

Existing Zoning:	CH
Proposed Zoning for Out-Parcels:	PCD
Total Land Area: ±1.34 AC	
Total Building Area: ±0 SF	
Required Open Space:	±0.27 AC (20%)
Provided Open Space:	±1.26 AC (94%)
Required Formal Open Space:	±0.05 AC (3%)
Provided Formal Open Space:	±0.00 AC (0%)
Required Parking:	
0 SF x (1 Space / 100 SF) =	0 Spaces
Provided Parking:	
Standard Parking Spaces:	0 Spaces
To-Go Pick Up Spaces:	0 Spaces
Handicap Parking Spaces:	0 Spaces
Total Parking Provided:	0 Spaces (±0)

- Public Utility Easement
- Drainage Easement
- Sewer Easement
- Water Easement



Outparcel 7 - Open Space Diagram

- Outparcel Open Space
- Existing Avenue Open Space

Outparcel 7 Land Use Parameters and Building Setbacks			
Zoning (Existing vs Proposed)	CH	PCD	Difference
Minimum Setback Requirements			
Minimum Front Setback	42'	42'	0'
Minimum Side Setback	0'	0'	0'
Minimum Rear Setback	20'	20'	0'
Other Requirements			
Minimum Open Space Requirement	20%	20%	0%
Maximum Height	75'	75'	0'



SEC Project #08250 Murfreesboro, Tennessee

Outparcel 8 - BJ'S Restaurant & Brewhouse

Land Use Data:

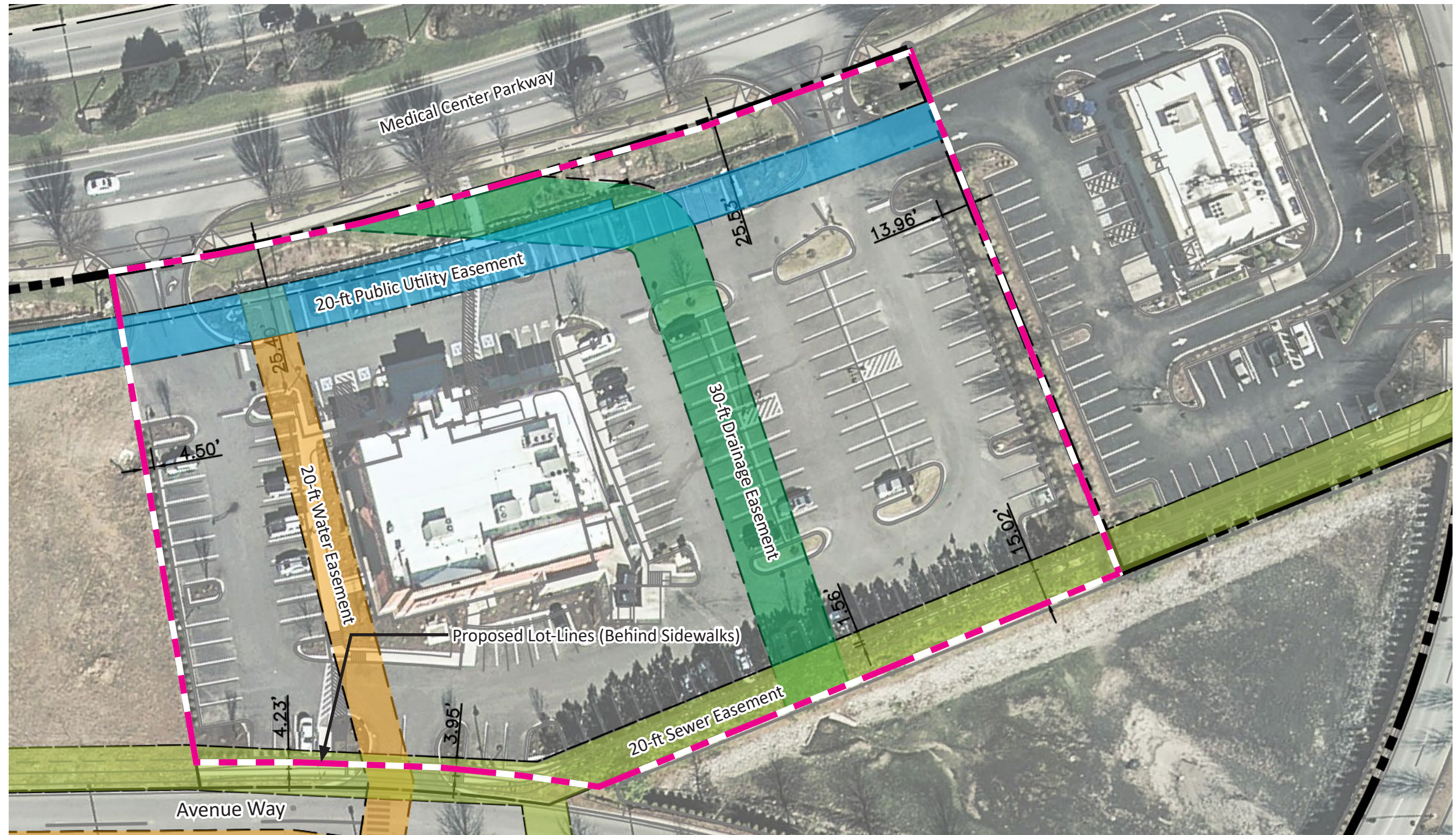
Existing Zoning: CH
 Proposed Zoning for Out-Parcels: PCD

Total Land Area: ±2.38 AC
 Total Building Area: ±7,486 SF
 Required Open Space: ±0.48 AC (20%)
 Provided Open Space: ±0.54 AC (23%)
 Required Formal Open Space: ±0.07 AC (3%)
 Provided Formal Open Space: Unknown

Required Parking:
 7,486 SF x (1 Space / 100 SF) = 75 Spaces

Provided Parking:
 Standard Parking Spaces: 158 Spaces
 To-Go Pick Up Spaces: 0 Spaces
 Handicap Parking Spaces: 6 Spaces
 Total Parking Provided: 164 Spaces (±89)

- Public Utility Easement
- Drainage Easement
- Sewer Easement
- Water Easement



Outparcel 8 - Open Space Diagram

- Outparcel Open Space
- Existing Avenue Open Space

Outparcel 8 Land Use Parameters and Building Setbacks

Zoning (Existing vs Proposed)	CH	PCD	Difference
Minimum Setback Requirements			
Minimum Front Setback	42'	42'	0'
Minimum Side Setback	0'	0'	0'
Minimum Rear Setback	20'	20'	0'
Other Requirements			
Minimum Open Space Requirement	20%	20%	0%
Maximum Height	75'	75'	0'

SEC, Inc.

SEC Project #08250 Murfreesboro, Tennessee



Land Use Parameters and Building Setbacks			
Zoning (Existing vs Proposed)	CH	PCD	Difference
Residential Density			
Maximum Gross Density	NA	NA	NA
Minimum Lot Area	NA	NA	NA
Minimum Lot Width	NA	NA	NA
Minimum Setback Requirements			
Minimum Front Setback	42'	42'	0'
Minimum Side Setback	0'	0'	0'
Minimum Rear Setback	20'	20'	20'
Land Use Intensity Ratios			
Maximum F.A.R.	NA	NA	NA
Minimum Livable Space Ratio	NA	NA	NA
Minimum Open Space Ratio	NA	NA	NA
Minimum Open Space Requirement	20%	20%	0%
Minimum Formal Open Space Requirement	3%	3%	0%
Maximum Height	75'	75'	0'
Parking Ratio (See Pages 11-17 for Parking Calculations)	<u>All Uses:</u> Per Chart 4 of the 2023 Zoning Ordinance	Parking shall abide by the City of Murfreesboro Parking Standards subject to the Shared Parking Agreement	

REQUESTED EXCEPTIONS

- Requesting an exception that lighting levels along Avenue Way be allowed to exceed 0.5 foot-candles to allow for a safe lighting environments.
- Requesting an exception to the required landscape yard between property lines and parking/drives.
 - Lots 1, 4, and 6 shall have their required landscape yards reduced from 15-ft to 5-ft.
 - Lots 2 and 5 shall have their required landscape yards reduced from 15-ft to 4-ft.
 - Lot 7 shall have its required landscape yards reduced from 10-ft to 5-ft.
 - Lot 8 shall have its required landscape yards reduced from 15-ft to 3-ft.
- Requesting an exception to the rear setback on the Outparcel currently occupied by Buffalo Wild Wings.
- Requesting an exception to the required formal open space for each outparcel. Formal open space from the entire Avenue Shopping Center shall count towards the formal open space requirements for the individual outparcels.



**MEMORANDUM
CITY OF MURFREESBORO
LEGAL DEPARTMENT**

TO: Chair Jones and Members of the Planning Commission
FROM: David A. Ives
DATE: August 22, 2023
RE: Easement for Middle Tennessee Electric
Bridge Avenue

MANDATORY REFERRAL

MTE has plans to extend an additional circuit out of the substation at the intersection of Bridge Ave and Power Ave. The power line will route West on the South side of Bridge Ave to New Salem Hwy. The purpose of this project is to relieve some of the overloaded circuits in the area and make room for additional growth due to future development. This is a project that was planned prior to the MED/MTE merger. The project was put on hold until the Hwy 99 TDOT project was mostly completed.

The City owns the property on the Southeast corner at the intersection of New Salem Hwy and Bridge Ave (Doug Young Public Safety Training Facility). MTE's plan is to extend the existing route on the South side of Bridge Ave all the way to New Salem Hwy. The existing pole near the entrance the property on Bridge Ave will need to be relocated further back to make a straight line to the point of where the new line would be connected.

Attached is a drawing showing just the requested easements over the City-owned property.

I request your recommendation of granting this License Agreement to City Council.

Right-of-Way

Easement

This instrument prepared by: MTE
555 New Salem Highway, Murfreesboro, TN 37129
_____ Employee Initials



Service Location # 6000417747 Meter Set SO # _____ WO# 16153662

Grantor: City of Murfreesboro And/by _____

Select one of the following: unmarried married business entity

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, the Grantor, whether one or more, does hereby grant unto Middle Tennessee Electric Membership Corporation, a Tennessee not-for-profit corporation ("Grantee" or "MTE"), its affiliates, successors or assigns, a perpetual easement (the "Easement") that, except as may be otherwise indicated on Exhibit 1, shall be twenty feet (20') from the centerline (total of 40') for any overhead transmission and/or distribution line or system, including anchoring, and ten feet (10') from the centerline (total of 20') for any underground transmission and/or distribution line or system with the right to:

- install, construct, reconstruct, rephase, operate and maintain an electric transmission and/or distribution line or system;
- inspect and make such repairs, changes, alterations, improvements, removals from, substitutions and additions to its facilities as Grantee may from time to time deem advisable, including, by way of example and not by way of limitation, the right to increase or decrease the number of conduits, wires, cables, poles, guy wire and anchors, hand holes, manholes, connection boxes, transformers and transformer enclosures;
- cut, trim and control the growth by chemical means, machinery or otherwise of trees and shrubbery within the Easement, or any tree that may interfere with or threaten to endanger the operation and maintenance of said line or system;
- prohibit, prevent and restrict the planting and/or maintenance of any trees, shrubbery or vegetation not approved in writing by Grantee (except those trees that appear on MTE's approved standard planting guide) which approval may be withheld by Grantee in its sole discretion if it determines said trees, shrubbery or vegetation may in the future interfere with or threaten to endanger the operation and maintenance of said line or system;
- prohibit the planting of any trees, shrubbery or vegetation within 15' of a pole or pad-mounted equipment;
- keep the Easement clear of all buildings, structures or other obstructions;
- license, permit or otherwise agree to the joint use or occupancy of the lines, system or, if any of said system is placed underground, of the trench and related underground facilities, by any other person, association or corporation for electrification, for other utility or commercial purposes;
- install and maintain guy additions to overhead lines if any portion of the lines or system is placed underground;

over, across; and through the land owned by Grantor as further described below (the "Property");

County Rutherford State of Tennessee Tax Map: 102B Group: C Parcel: 001.00

Address 701 Bridge Ave Murfreesboro 37129
House/building# Street/Road Name City Zip

and such Property being of record in Deed Book 1517, Page 3181, Register's Office of the above-named county, and as may be further described according to Exhibit 1 attached hereto and incorporated herein by reference, if attached, together with the right of ingress and egress over adjacent lands of the Grantor, and Grantor's successors and assigns for the purposes of this Easement.

The Grantor agrees that all poles, wires, and other facilities, including any main service entrance equipment, installed in, upon or under the Property at Grantee's expense shall remain the property of the Grantee and removable at the option of the Grantee. The Grantor hereby expressly releases any claims, demands, actions, or causes of action for trespass related to the Grantee's use of this Easement as described herein. The grant and other provisions of this Easement shall run with the land for the benefit of the Grantee, its affiliates, successor and assigns.

IN WITNESS WHEREOF, the Grantor has executed this instrument this _____ day of _____, 202_____.

Print Name/Title of Authorized Signatory _____

Print Name/Title of Authorized Signatory _____

Legal Signature _____

Legal Signature _____

STATE OF _____

STATE OF _____

COUNTY OF _____

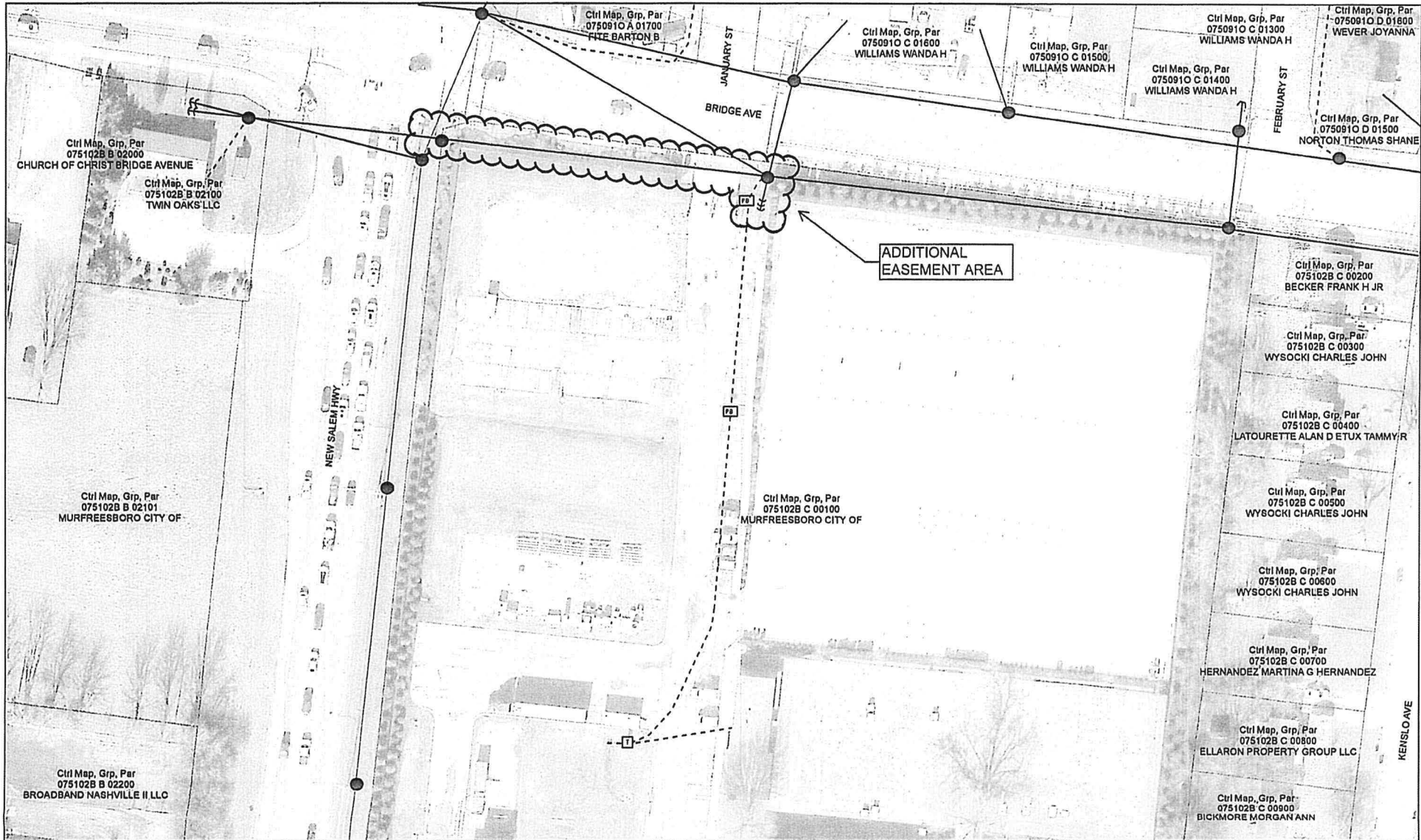
COUNTY OF _____

On the ___ day of _____, 202____, personally appeared before me, the within named bargainor(s), with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who acknowledged that such person(s) executed the within instrument for the purposes therein contained.

On the ___ day of _____, 202____, personally appeared before me, the within named bargainor(s), with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who acknowledged that such person(s) executed the within instrument for the purposes therein contained.

Notary Signature _____ My Commission Expires _____

Notary Signature _____ My Commission Expires _____



1 inch = 60 feet



Printed: 8/18/2023



5349-H

Disclaimer:
Middle Tennessee Electric Membership Corporation makes no representation or warranty as to map accuracy and in particular, its accuracy as to underground conductor locations, property boundaries, rights-of-way, or placement and location of any map features or data. Independent verification of all information should be obtained by the user. The map is NOT A LEGALLY BINDING OR CERTIFIED DOCUMENT. All data and materials Copyright © 2023, All Rights Reserved.



**MEMORANDUM
CITY OF MURFREESBORO
LEGAL DEPARTMENT**

TO: Chair Jones and Members of the Planning Commission
FROM: David A. Ives
DATE: August 22, 2023
RE: Easement for Middle Tennessee Electric
Veterans Parkway and Windrow Road

MANDATORY REFERRAL

MTE has plans to extend the last circuit out of the substation at the intersection of Windrow Rd and Veterans Pkwy. This power line will route down Veterans Pkwy, then turn and go Northeast/east on Old Salem Rd until it gets to New Salem Hwy. The purpose of the project is to relieve the overloaded substation in the Cason Lane area.

The City owns the property on the Northwest corner at the intersection of Old Salem Rd and Veterans Pkwy. MTE's plan is to just replace the existing poles near this property with taller poles to make room for an additional set of power lines.

Attached is a drawing showing the requested easements over the City-owned property.

I request your recommendation of granting this License Agreement to City Council.

Right-of-Way
Easement

This instrument prepared by: MTE
555 New Salem Highway, Murfreesboro, TN 37129
_____ Employee Initials



Service Location # _____ Meter Set SO # _____ WO# 16153662

Grantor: City of Murfreesboro And/by _____

Select one of the following: unmarried married business entity

FOR GOOD AND VALUABLE CONSIDERATION, the receipt and sufficiency of which are hereby acknowledged, the Grantor, whether one or more, does hereby grant unto Middle Tennessee Electric Membership Corporation, a Tennessee not-for-profit corporation ("Grantee" or "MTE"), its affiliates, successors or assigns, a perpetual easement (the "Easement") that, except as may be otherwise indicated on Exhibit 1, shall be twenty feet (20') from the centerline (total of 40') for any overhead transmission and/or distribution line or system, including anchoring, and ten feet (10') from the centerline (total of 20') for any underground transmission and/or distribution line or system with the right to:

- install, construct, reconstruct, rephase, operate and maintain an electric transmission and/or distribution line or system;
- inspect and make such repairs, changes, alterations, improvements, removals from, substitutions and additions to its facilities as Grantee may from time to time deem advisable, including, by way of example and not by way of limitation, the right to increase or decrease the number of conduits, wires, cables, poles, guy wire and anchors, hand holes, manholes, connection boxes, transformers and transformer enclosures;
- cut, trim and control the growth by chemical means, machinery or otherwise of trees and shrubbery within the Easement, or any tree that may interfere with or threaten to endanger the operation and maintenance of said line or system;
- prohibit, prevent and restrict the planting and/or maintenance of any trees, shrubbery or vegetation not approved in writing by Grantee (except those trees that appear on MTE's approved standard planting guide) which approval may be withheld by Grantee in its sole discretion if it determines said trees, shrubbery or vegetation may in the future interfere with or threaten to endanger the operation and maintenance of said line or system;
- prohibit the planting of any trees, shrubbery or vegetation within 15' of a pole or pad-mounted equipment;
- keep the Easement clear of all buildings, structures or other obstructions;
- license, permit or otherwise agree to the joint use or occupancy of the lines, system or, if any of said system is placed underground, of the trench and related underground facilities, by any other person, association or corporation for electrification, for other utility or commercial purposes;
- install and maintain guy additions to overhead lines if any portion of the lines or system is placed underground;

over, across; and through the land owned by Grantor as further described below (the "Property");

County Rutherford State of Tennessee Tax Map: 115 Group: _____ Parcel: 035.00

Address 4304 Veterans Pkwy Murfreesboro 37153
House/building# Street/Road Name City Zip

and such Property being of record in Deed Book 880, Page 2346, Register's Office of the above-named county, and as may be further described according to Exhibit 1 attached hereto and incorporated herein by reference, if attached, together with the right of ingress and egress over adjacent lands of the Grantor, and Grantor's successors and assigns for the purposes of this Easement.

The Grantor agrees that all poles, wires, and other facilities, including any main service entrance equipment, installed in, upon or under the Property at Grantee's expense shall remain the property of the Grantee and removable at the option of the Grantee. The Grantor hereby expressly releases any claims, demands, actions, or causes of action for trespass related to the Grantee's use of this Easement as described herein. The grant and other provisions of this Easement shall run with the land for the benefit of the Grantee, its affiliates, successor and assigns.

IN WITNESS WHEREOF, the Grantor has executed this instrument this _____ day of _____, 202_____.

Print Name/Title of Authorized Signatory _____

Print Name/Title of Authorized Signatory _____

Legal Signature _____

Legal Signature _____

STATE OF _____

STATE OF _____

COUNTY OF _____

COUNTY OF _____

On the ___ day of _____, 202____, personally appeared before me, the within named bargainer(s), with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who acknowledged that such person(s) executed the within instrument for the purposes therein contained.

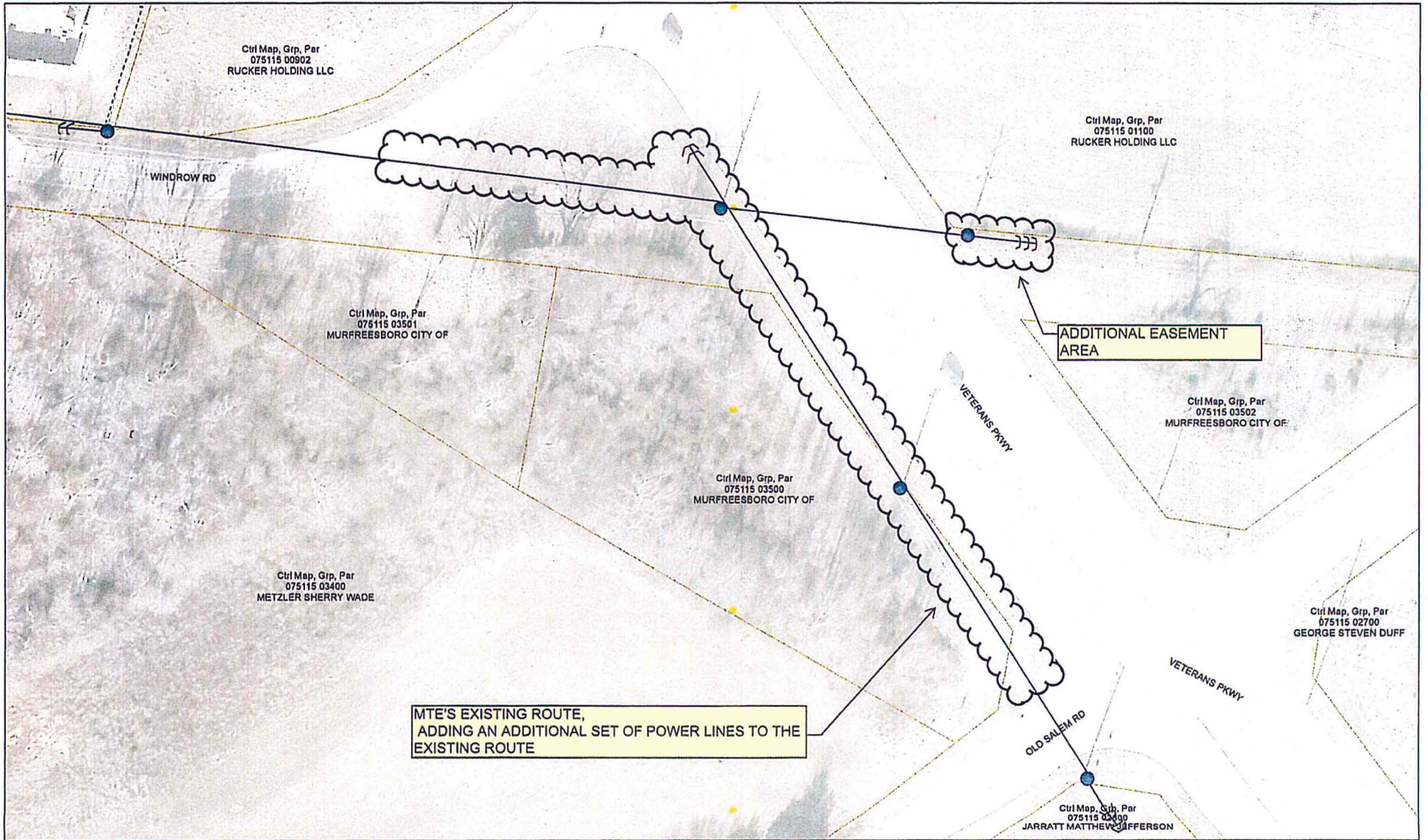
On the ___ day of _____, 202____, personally appeared before me, the within named bargainer(s), with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence) and who acknowledged that such person(s) executed the within instrument for the purposes therein contained.

Notary Signature _____

My Commission Expires _____

Notary Signature _____

My Commission Expires _____



1 inch = 50 feet



Printed:8/18/2023

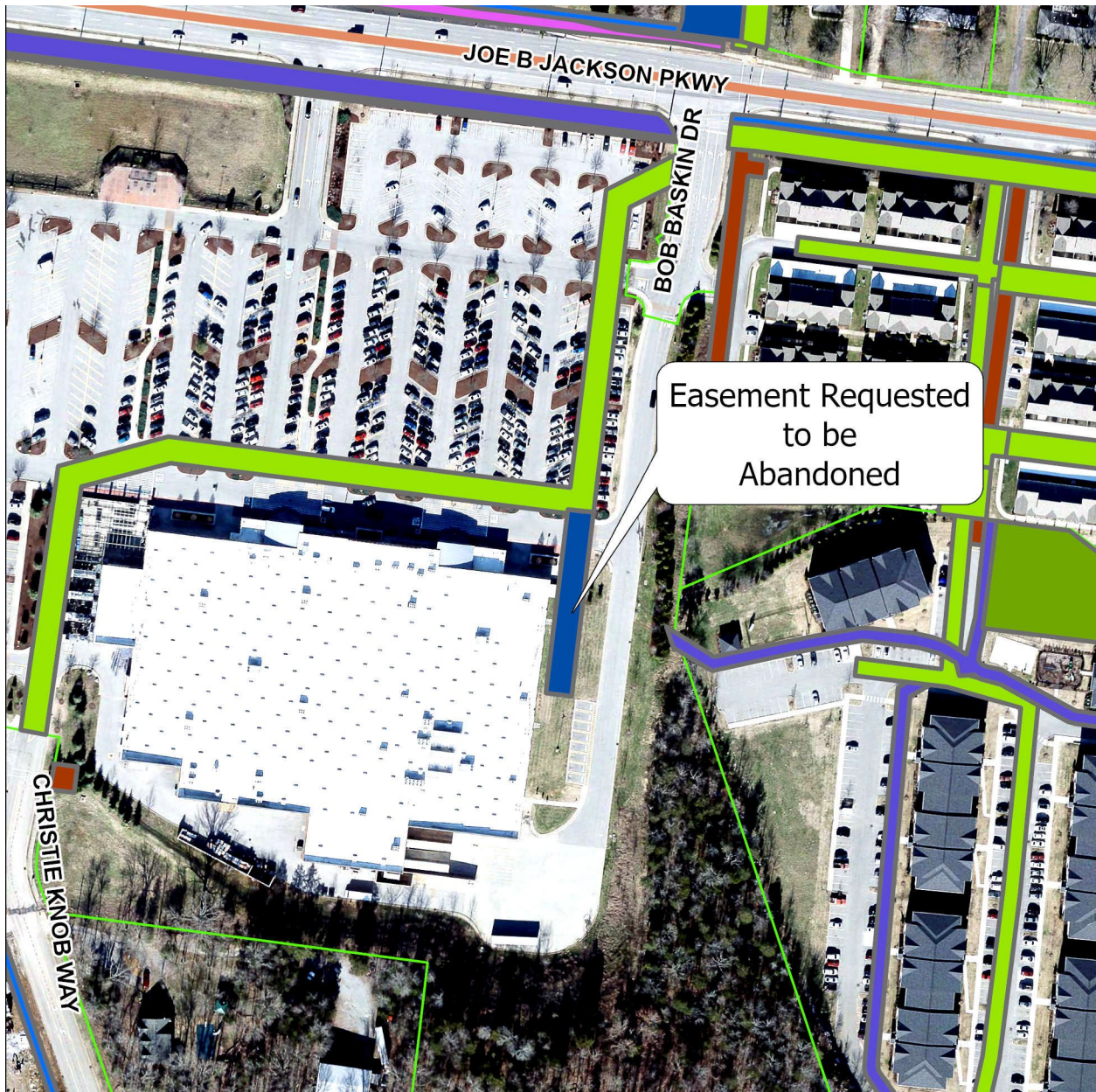


5247-N

Disclaimer:
 Middle Tennessee Electric Membership Corporation makes no representation or warranty as to map accuracy, and in particular, its accuracy as to Underground Conductor location, property boundaries, rights-of-ways, or placement and location of any map features or data. Independent verification of all information should be obtained by the User. The map is NOT A LEGALLY BINDING OR CERTIFIED DOCUMENT.
 All data and materials Copyright © 2023. All Rights Reserved.

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
SEPTEMBER 6, 2023
PROJECT PLANNER: BRAD BARBEE**

6.c. Mandatory Referral [2023-725] to consider the abandonment of a sanitary sewer easement on property located at 140 Joe B Jackson Parkway, Carlson Consulting Engineers, Inc. on behalf of Wal-Mart Corporation, applicant.



In this mandatory referral, the Planning Commission is being asked to consider abandoning a portion of an existing 20ft sanitary sewer easement. The easement is located on property located at 140 Joe B Jackson Parkway (Map 136, Parcel 6.04), which is developed as a Wal-Mart Supercenter. The easement is labeled on the attached exhibit. Walmart wishes to expand the existing building over the easement and sanitary sewer main. This sewer main will be reclassified as a private sewer service under the building and to the existing manhole downstream; therefore, the easement is no longer necessary.

The MWRD Staff recommended approval of the abandonment of the sanitary sewer line easement to the Water Resources Board. The Water Resources Board voted to recommend approval at its July 25, 2023, regular meeting.

Staff recommends that the Planning Commission recommend approval of this abandonment to the City Council subject to the following conditions:

- 1) The sanitary sewer easement abandonment should be subject to the final approval of the legal documents by the City Legal Department.
- 2) If approved by the City Council, the applicant will be responsible for providing the information necessary for the Legal Department to prepare the legal documents for this easement abandonment (including, but not limited to, any exhibits and legal descriptions needed).
- 3) The applicant will be responsible for recording the legal documents, including payment of the recording fees.



City of Murfreesboro Mandatory Referral Application

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

Mandatory Referral Fees:

Mandatory Referral, INCLUDING abandonment of right-of-way.....	\$350.00
Mandatory Referral, NOT INCLUDING abandonment of right-of-way.....	\$150.00

Property Information:

Tax Map/Group/Parcel: 136-006.04-000

Address (if applicable): 140 Joe B Jackson Pkwy

Street Name (if abandonment of ROW): N/A

Type of Mandatory Referral: Sanitary Sewer Easement Vacate

Applicant Information:

Name of Applicant: Kyle Tschirhart

Company Name (if applicable): Carlson Consulting Engineers, Inc.

Street Address or PO Box: 7068 Ledgestone Commons

City: Bartlett

State: Tennessee

Zip Code: 38133

Email Address: kyletschirhart@carlsonconsulting.net

Phone Number: (901) 384-0404

Required Attachments:

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

08/16/2023

Applicant Signature

Date



MANDATORY REFERAL – SANITARY SEWER VACATE

TO: MARINA RUSH

FROM: KYLE TSCHIRHART

RE: WALMART #0416-224
140 JOE B JACKSON PKWY
SANITARY SEWER EASEMENT VACATE

DATE: AUGUST 16, 2023

CC: FILE

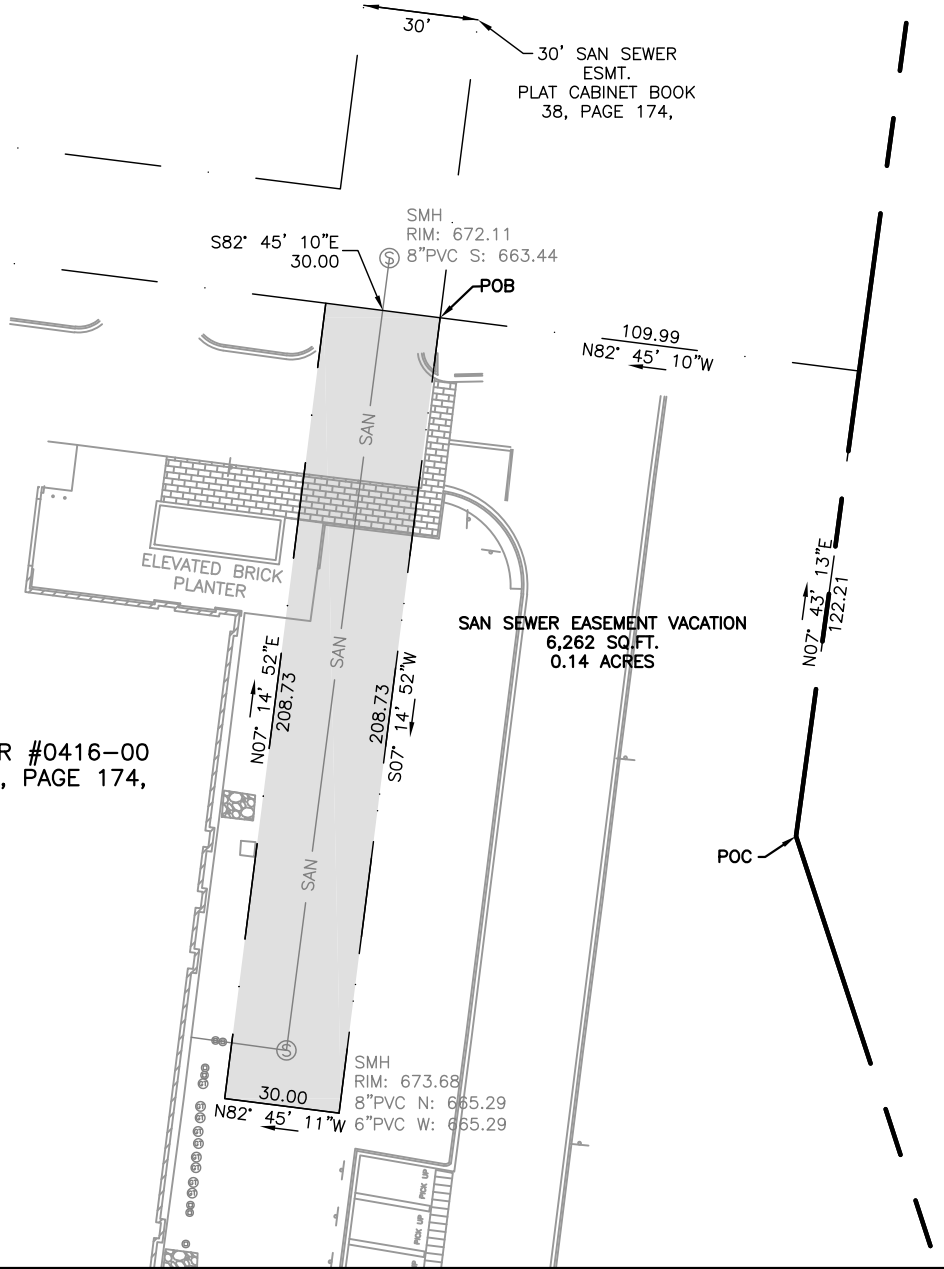
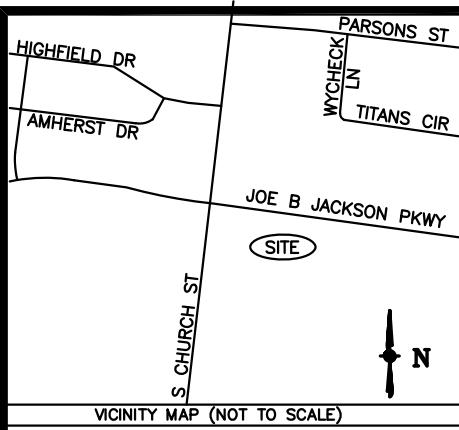
Dear Ms. Rush:

The purpose of this letter is to formally request a vacate of a portion of an existing sanitary sewer easement on the property of the existing Walmart at 140 Joe B Jackson Pkwy in Murfreesboro, TN. We respectfully propose the easement be vacated 15 feet past the existing sanitary manhole, as shown on the attached exhibit. The purpose of this vacate is to allow for the construction of a building expansion over the existing sanitary sewer line. If you have any questions or need any additional information, please do not hesitate to contact me at (901) 384-0404 or write to kyletschirhart@carlsonconsulting.net.

Sincerely,

A handwritten signature in blue ink that reads 'Kyle Tschirhart'.

Kyle Tschirhart, EI
Carlson Consulting Engineers, Inc.



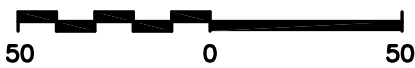
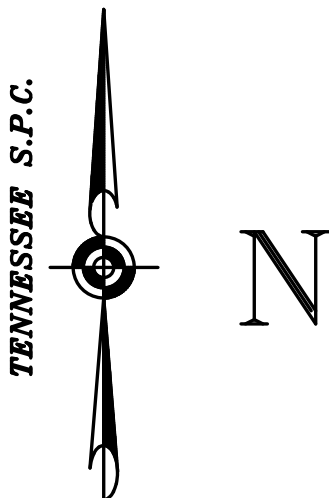
LOT 1
FINAL PLAT
WAL-MART SUPERCENTER #0416-00
PLAT CABINET BOOK 38, PAGE 174,

**SANITARY SEWER EASEMENT VACATION
LEGAL DESCRIPTION**

SITUATED IN THE CITY OF MURFREESBORO, OF RUTHERFORD COUNTY AND STATE OF TENNESSEE AND KNOWN AS A VACATED PORTION OF A SANITARY SEWER EASEMENT OVER LANDS CONVEYED TO WAL-MART REAL ESTATE BUSINESS TRUST, A DELAWARE STATUTORY TRUST BY WARRANTY DEED DATED 08/03/2012 AND RECORDED IN RECORD BOOK 1148, PAGE 3967, REGISTER'S OFFICE FOR RUTHERFORD COUNTY, TENNESSEE AND ALSO BEING KNOWN AS LOT 1 AS SHOWN ON THE MAP ENTITLED WAL-MART SUPERCENTER #0416-00, OF RECORD IN PLAT CABINET 38, PAGE 174, REGISTER'S OFFICE OF RUTHERFORD COUNTY, TENNESSEE AND IS FURTHER BOUNDED AND DESCRIBED AS FOLLOWS;

COMMENCING AT AN EASTERLY CORNER OF SAID LOT 1 THENCE NORTH ALONG AN EASTERLY LINE OF SAID LOT 1 NORTH 07°43'13" EAST A DISTANCE OF 122.21 FEET; THENCE NORTH 82°45'10" WEST A DISTANCE OF 109.99 FEET TO THE POINT OF BEGINNING OF THE EASEMENT VACATION;

THENCE SOUTH 07°14'52" WEST A DISTANCE OF 208.73 FEET; THENCE NORTH 82°45'11" WEST A DISTANCE OF 30.00 FEET; THENCE NORTH 07°14'52" 208.73 FEET; THENCE SOUTH 82°45'10" EAST A DISTANCE OF 30.00 FEET TO THE PLACE OF BEGINNING CONTAINING 6,262 SQ. FT. OR 0.14 ACRES (MORE OR LESS) OF LAND.



SANITARY SEWER EASEMENT VACATION LOT 1, WAL-MART SUPERCENTER #0416-00 PLAT CABINET 38, PAGE 174		
WALMART STORE #0416-00		
CITY OF MURFREESBORO, RUTHERFORD COUNTY, TENNESSEE		
SCALE: 1"=50' DATE: 8/16/2023	DRAWING FILE: ESMTVAC DRAWN BY: JSL	JOB No. #0416-00 SHEET 1 OF 1



... creating a better quality of life

MEMORANDUM

DATE: July 18, 2023
TO: Water Resources Board
FROM: Valerie H. Smith
SUBJECT: Sewer Easement Abandonment Request
Walmart – Joe B Jackson Pkwy

BACKGROUND

Carlson Consulting Engineers, Inc. (CCE) is requesting the abandonment of a portion of the existing twenty-foot sewer easement located on the eastern side of the property. The Walmart wishes to expand the building over the easement and sanitary sewer main., This sewer main will be reclassified as a private sewer service under the building and to the existing manhole downstream, therefore the easement is no longer necessary.

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

RECOMMENDATION

Staff recommends approval of abandoning the existing sewer easement.

FISCAL IMPACT

This easement was dedicated by plat.

ATTACHMENTS

Easement Abandonment Request
GIS Exhibit

MINUTES OF THE MURFREESBORO PLANNING COMMISSION AUGUST 16, 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
Matthew Blomeley, Assistant Planning Director
Margaret Ann Green, Principal Planner
Marina Rush, Principal Planner
Holly Smyth, Principal Planner
Brad Barbee, Planner
Joel Aguila, Planner
Katie Noel, Project Engineer
Gabriel Moore, Project Engineer
Carolyn Jaco, Recording Assistant
Roman Hankins, Assistant City Attorney
Ram Balachandran, Deputy Transportation Dir.
Michele Emerson, City Engineer

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. Approve minutes of the August 2, 2023, Planning Commission meeting.

Vice-Chairman Ken Halliburton moved to approve the minutes of the August 2, 2023 Planning Commission meeting; the motion was seconded by Mr. Shawn Wright and carried by the following vote:

Aye: Kathy Jones

Ken Halliburton

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Jami Averwater

Reggie Harris

Bryan Prince

Chase Salas

Shawn Wright

Nay: None

5. Consent Agenda:

Tiger Hill Townhomes, Phase 1 [2023-2043] horizontal property regime plat for 33 units on 6.5 acres zoned PRD located along Christie Knob Way, Charlie B. Mitchell, Jr. developer.

Muirwood, Section 6 [2023-2060] final plat for 53 lots on 14.2 acres zoned RM/PRD in the unincorporated County and served as an outside the City sewer customer located along Oak Drive, 360 Development, LLC developer.

Middle Tennessee Christian School, Lot 1 [2023-2061] final plat for 1 lot on 26 acres zoned RS-15 and CH located along East MTCS Road and Memorial Boulevard, Middle Tennessee Christian School developer.

Laurelstone, Resubdivision of Lots 13, 15, and 19 [2023-2059] final plat for 6 lots on 0.7 acres zoned PRD located along Laurelstone Drive, Clayton Properties Group, Inc. developer.

840 Storage Solutions [2023-2062] final plat for 2 lots on 9.6 acres zoned PUD located along Florence Road, Downs Group, LLC developer.

Hooper, Lots 2 & 3 and 2nd Resubdivision of Lot 1 [2023-2063] final plat for 3 lots on 16.9 acres zoned RS-15 located along Siegel Road, W. Bruce Hooper developer.

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Salem Landing, Lot 2 [2023-3088] site plan for a 13,680 ft² multi-tenant commercial building with gas canopy on 2.0 acres zoned CH located along New Salem Highway and Rivermont Way, Sunil Patel developer.

There being no further discussion, Mr. Shawn Wright moved to approve the Consent Agenda 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

Old Business:

Dutch Bros. Coffee [2023-3051] site plan review of a 950 ft² Specialty Restaurant with drive-thru located on 0.80 acres zoned CH located at 1950 Old Fort Parkway, Dutch Bros Coffee, LLC 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. Matthew Blomeley stated that the design team had made improvements to their site plan from staff recommendations. Their site plan has been revised since the publication of the agenda.

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Mr. Shawn Wright commented he had spoken with Executive Director of Public Infrastructure and other City staff about the possibility of closing this intersection and/or the Old Fort Parkway frontage road. Ms. Michele Emerson came forward stating Kimley Horn was currently working on a task order with the Tennessee Department of Transportation on a feasibility study to widen Old Fort Parkway from I-24 heading east. This task order would include studying the closure of the intersection at the frontage road and Marketplace Drive.

Mr. Bricke Murfree (attorney) representing the applicant stated they have been working very hard on reconfigurations for this site and would continue working with staff to address any concerns and recommendations.

There being no further discussion, Mr. Bryan Prince made a motion to approve the application subject to all staff comments (including the recommendation to include a left-out for the driveway at the frontage road); 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

Nay: Shawn Wright

GDO: On Motion

Parkway Office Park, Resubdivision of Lots 1 and 2 [2023-2058] final plat for 1 lot on 3.5 acres zoned MU and GDO-3 located along Gateway Boulevard, Gateway MOB,

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

There being no further discussion, Ms. Jami Averwater moved to approve the final plat 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

Waterstone, Lot 1 & 2 (Murf 4 MOB) [2023-6009 & 2023-3076] final design & site plan review of a 40,919 ft2 medical office building located on 3.5 acres zoned MU and GDO-1 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.

The Planning Commission discussed the changes that had been made to the site plan and agreed the carport cover over the parking lot was not fitting with this site plan or compatible with the buildings in this area.

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Mr. Evan Foster (design engineer) stated that the applicant has agreed to remove the proposed carport structure for this site plan, so it can move forward.

There being no further discussion, Mr. Shawn Wright moved to approve the final design and site plan review subject to all staff comments and to the removal of the carport cover; the motion was seconded by Vice-Chairman Ken Halliburton and carried by the following vote:

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

Nay: None

8. **Plats and Plans: On Motion**

Westlawn Pavilion, Lot 2 (Taco Bell) [2023-3101] initial/final design and site plan review of a 2,432 ft² restaurant & carry-out restaurant located on 1.2 acres zoned PUD located along Veterans Parkway, CVHC7, LLC 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. Matt Taylor (design engineer), Mr. Imaan Ferdowsi (owner), and Mr. Morris Hoover (architect) were in attendance representing the application.

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There being no further discussion, Ms. Jami Averwater made a motion to approve the application 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

Westlawn Commercial East, Lot 1 (WaWa) [2023-3098] initial/final design & site plan review of a 5,915 ft² convenience store and a 6,300 ft² gas canopy on 2.4 acres zoned PUD located along Veterans Parkway and Blackman Road, Unicorp National Developments, 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.

Mr. Matt Taylor (design engineer) and Ms. Melanie Hicks (architect) were in attendance representing the application. Mr. Matt Taylor explained the proposed materials and stated the EIFS white material in front of the building complies with the guidelines and is important for the applicant. Ms. Melanie Hicks stated the fuel canopy had been improved with brick columns. Also, they would like to keep the EIFS in the front of the building; however, they would reduce the scale of it.

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The Planning Commission began discussing the proposed building and canopy. In addition, the Planning Commission had approved three convenience stores with canopies in this area and each applicant had to comply with the guidelines.

Mr. Matt Taylor requested for a deferral to continue working on the changes mentioned and would bring back a revised site plan at next month's Planning Commission meeting.

There being no further discussion, Mr. Shawn Wright moved to defer for up to two months if needed; the motion was seconded by Ms. Jami Averwater and carried by the following vote:

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

Nay: None

(Chair Kathy Jones and Bryan Prince both left the meeting before the vote on this item.)

Riverview Cove, Section 2 [2023-1019] master plan and preliminary plat for 41 lots on 23.5 acres zoned RS-15 located along Moccasin Trail, Ole South Properties, LLC developer. Mr. Joel Aguilera 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 made a motion to approve the master plan and preliminary plat subject to all staff comments; the motion was seconded by Mr. Chase Salas and carried by the following vote:

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Aye: Ken Halliburton
Jami Averwater
Reggie Harris
Chase Salas

Nay: None

(Shawn Wright stepped out of the meeting momentarily and was not present for this vote.)

Albion at Murfreesboro Apartments [2023-3030] site plan for miscellaneous improvements at an existing apartment complex in conjunction with an increase of density from 15.7 to 22.5 units per acre on 16 acres zoned PRD located at 285 North

Rutherford Boulevard, Albion Residential 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. Bill Huddleston (design engineer) and Mr. Justin Tringl (developer) were in attendance representing the application.

There being no further discussion, Mr. Chase Salas made a motion 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: Ken Halliburton
Jami Averwater
Reggie Harris
Chase Salas
Shawn Wright

Nay: None

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Keeneland Commercial, Lot 9 [2023-3099] site plan for 3,600 ft2 convenience store with 8-pump gas canopy on 0.74 acres zoned CH located at 2135 Manchester Pike, ME Properties, LLC 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. Bill Huddleston (representing the design engineer) was in attendance to represent the application.

There being no further discussion, Ms. Jami Averwater made a motion to approve the site plan subject to all staff comments; the motion was seconded by Vice-Chairman Ken Halliburton and carried by the following vote:

Aye: Ken Halliburton
Jami Averwater
Reggie Harris
Chase Salas

Nay: Shawn Wright

9. **New Business:**

Zoning application [2023-410] to amend the existing PND zoning (Rutherford Collegiate Prep PND) located along Manson Pike, Ryan Companies US, Inc. 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 to represent the application.

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There being no further discussion, Mr. Shawn Wright made a motion to schedule a public hearing on September 6, 2023: the motion was seconded by Mr. Chase Salas and carried by the following vote:

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

Nay: None

Zoning application [2023-409] for approximately 12 acres located along Medical Center Parkway to be rezoned from CH, GDO-1, & PSO to PCD, GDO-1, & PSO (The Avenue PCD), Big V Property Group 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) was in attendance to represent the application.

There being no further discussion, Mr. Shawn Wright made a motion to schedule a public hearing on September 6, 2023; the motion was seconded by Mr. Chase Salas and carried by the following vote:

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

Nay: None

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10. Staff Reports and Other Business:

Mr. Matthew Blomeley mentioned TAPA online training would be available soon in order for Planning Commissioners to acquire their required continuing education hours.

11. Adjourn.

There being no further business the meeting adjourned at 3:20 p.m.

Chair

Secretary

GM: cj