

**CITY OF MURFREESBORO
BOARD OF ZONING APPEALS**

Regular Meeting, December 18, 2023, at 1:00 p.m.
City Hall, 111 West Vine Street, Council Chambers, 1st Floor

A G E N D A

1. Call to order
2. Determination of a quorum
3. Public Comments
4. Consideration of minutes for the regular meeting on October 25, 2023
5. New Business

Special Use Permit Request

- a. **Application Z-23-035 by Mr. Joey Rouse, for TNT Fireworks**, is requesting a special use permit in order to operate a temporary outdoor vending establishment (seasonal fireworks sales) in a Commercial Highway (CH) zone for property located at 2946 South Church Street. (Project Planner: Brad Barbee)
6. Staff Reports and Other Business
7. Adjourn

MINUTES
OF THE CITY OF MURFREESBORO
BOARD OF ZONING APPEALS
City Hall, 111 W. Vine Street, Council Chambers

October 25, 2023 1:00PM

Members Present:

Davis Young, Chair
Ken Halliburton, Vice-Chair
Julie King
Tim Tipps

Staff Present:

Matthew Blomeley, Assistant Planning Director
Brad Barbee, Planner
Roman Hankins, Assistant City Attorney
Ashley Fulghum, Recording Assistant

Members Absent:

Misty Foy

1. Call to Order:

Chair Young called the meeting to order.

2. Determination of a quorum:

Chair Young determined that a quorum was present.

3. Public Comments:

None

4. Consideration of Minutes:

Vice-Chair Ken Halliburton moved to approve the minutes of the June 28, 2023 BZA meeting; the motion was seconded by Mr. Tim Tipps and was carried by the following vote:

Aye: Vice-Chair Ken Halliburton

Julie King

Tim Tipps

Chair Davis Young

Nay: None

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5. New Business:

a. Application [Z-23-033] by Mr. Lyle Lynch on behalf of Murfreesboro City Schools, requesting a special use permit to install a new playground to an existing institutional group assembly use at Mitchell-Neilson School in a Single Family Residential (RS-10) zoning district, located at 711 West Clark Boulevard.

Mr. Tipps stated for the record that he is married to a Murfreesboro City Schools employee but felt that he could be objective on this matter.

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.

Chair Young inquired about the playground located at the corner of West Clark Boulevard and Jones Boulevard. Mr. Barbee stated that this application is to replace the existing playground at that intersection.

Mr. Lyle Lynch spoke more about the application. The existing playground will be removed from its current location and a new one will be installed at a different location on campus.

Chair Young opened the public hearing.

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

Vice-Chair Halliburton moved to approve the special use permit subject to all recommended conditions listed in the staff report; the motion was seconded by Ms. Julie King and was carried by the following vote:

Aye: Vice-Chair Ken Halliburton

Julie King

Tim Tipps

Chair Davis Young

Nay: None

b. Application [Z-23-034] by Mr. Christopher Helstern, is requesting a special use permit to establish a home occupation (nail salon) on property in the Residential Single Family (RS-15) district located at 1430 Arrowhead Place.

Mr. Matthew Blomeley 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. Tipps inquired about the entrance to the salon. Mr. Blomeley stated that customers would enter at the rear of the home. Mr. Tipps asked if the sidewalk leading to the salon

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entrance is paved. Ms. Aubrey Johnson, daughter of the applicant and the operator of the proposed salon, confirmed that the entrance is concrete.

Ms. King stated that she has never seen a special use application for someone who does not own both the home and the business. She inquired about that situation. Mr. Blomeley responded that the standards state that the operator must reside at the home. If the operator moves from the property, they would no longer be able to operate the home-based business there.

Chair Young opened the public hearing.

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

Mr. Tim Tipps moved to approve the special use permit subject to all recommended conditions listed in the staff report and the addition of a ninth condition to have the special use permit lapse upon the operator ceasing to reside at the property; the motion was seconded by Vice-Chair Ken Halliburton and was carried by the following vote:

Aye: Vice-Chair Ken Halliburton

Julie King

Tim Tipps

Chair Davis Young

Nay: None

6. Staff Reports and Other Business:

a. Board of Zoning Appeals 2024 Calendar

Mr. Blomeley presented the Board of Zoning Appeals 2024 Calendar.

Ms. Julie King moved to approve the Board of Zoning Appeals 2024 Calendar; the motion was seconded by Vice-Chair Ken Halliburton and was carried by the following vote:

Aye: Vice-Chair Ken Halliburton

Julie King

Tim Tipps

Chair Davis Young

Nay: None

b. Continuing Education

Mr. Blomeley informed the Board about continuing education opportunities.

7. Adjourn:

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There being no further business, Chair Young adjourned the meeting at 1:25pm.

CHAIRMAN

SECRETARY

DRAFT

MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

DECEMBER 18, 2023

PROJECT PLANNER: BRAD BARBEE

Application: Z-23-035

Location: 2946 South Church Street

Applicant: Joey Rouse, for TNT Fireworks East

Owner: Murfreesboro 1031, LLC

Zoning: Commercial Highway (CH)

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



Overview of Request

The applicant, Joey Rouse, representing TNT Fireworks East, wishes to operate a fireworks tent for the New Year's selling season from December 26, 2023, to January 2, 2024. While TNT has utilized this location several times in the past, this specific location on the property is new and, as such, requires a new review and approval by the BZA. The property is located at 2946 South Church Street and is currently developed with a Kroger-anchored shopping center. City of Murfreesboro Zoning Ordinance, Chart 1 (Uses Permitted by Zoning District) of the Murfreesboro Zoning Ordinance lists Fireworks Seasonal Retailer as a use allowed by Special Use Permit in the CH district. The applicant seeks a Special Use Permit from the Board in order to operate the proposed fireworks sales tent. The proposed tent is 30 feet by 50 feet and would be situated near the end of a row of parking remote from the building. The applicant has provided documentation from the property owner granting him permission to operate the fireworks tent on the site. The site is surrounded by existing commercial development also zoned CH.

Relevant Zoning Ordinance Sections

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

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

Standards of General Applicability with Staff analysis:

- (1) The proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare:**

The use is temporary; as proposed, it will have no adverse impact on the above-mentioned list.

- (2) The proposed building or use will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations:**

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

- (3) The proposed buildings or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services:**

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

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

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

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

Additional standards for temporary vendors are listed below.

Additional Standards for Institutional Group Assembly Uses with Staff Analysis:

Temporary vendors shall be subject to the following additional standards:

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

Included is the lease location summary letter.

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

There will be ample asphalt parking on site. The tent only blocks 12 spaces and does not impede any travel lane. The Transportation Department has been consulted and is not recommending any additional traffic measures.

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

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

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

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

The applicant will erect a 30ft x 50ft tent on the property for the sale of fireworks. In addition to this structure, the applicant will also have a storage container that remains overnight for security reasons. This is not inconsistent with other fireworks applications. The applicant has identified the location of the storage container on the location map included as the final page of this report.

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

The site is approximately 320 feet from an operable fire hydrant.

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

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

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

A portable toilet will be provided at the location.

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

The applicant will comply with this requirement.

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

referenced in the previous sentence may be given by the Director of the Planning and Zoning Department, the Director of the Building and Codes Department, the City Manager or the Assistant City Manager. The City may, in addition, initiate any other enforcement remedies with respect to such violations as may be provided by law.

The site has been inspected for both Codes and Zoning violations and none were found at the time of inspection. In addition, the applicant stated that he understands these requirements.

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

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

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

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

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

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

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

The applicant understands this requirement.

- (14) **The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, live band, amplifiers, loudspeakers, or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of neighboring residents at any time with louder volume than is necessary for convenient hearing for the persons responsible for producing or reproducing such sound shall not be permitted.**

The applicant will not use any noise amplification devices.

- (15) **A site may be used for temporary vending for no more than 70 days during any 12-month period. The BZA may approve a site to be used by multiple temporary vendors provided that no site shall be used by more than one temporary vendor at any time. A Special Use Permit for temporary vending shall expire at the end of one year after the date of approval. Notwithstanding the foregoing, a site which was approved by the Board of Zoning Appeals as a location for a temporary vendor of food or retail merchandise during the 12 months immediately preceding the effective date of this ordinance will continue to be an eligible site for a temporary vendor**

Special Use Permit for up to six months during any 12 month period provided all other conditions for site approval continue to be met, and provided further, that the eligibility of any such site for the issuance of an extended Special Use Permit shall end at the end of any 12 month period during which the site was not given approval for use by a temporary vendor of food or retail merchandise, or on May 24 2024, whichever shall first occur.

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

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

The applicant will adhere to any additional requirements.

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

The parking lot consists of asphalt, not gravel.

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

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

The site is approximately 262 ft from the nearest fuel source.

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

There is no restaurant, bar or other place of business located within 250 feet of the temporary fireworks tent licensed for on-site consumption of alcohol, beer, or wine.

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

The applicant is aware of this requirement and is seeking to operate from December 26th until January 2nd. The proposed hours are 8am to 10pm. This is consistent with the city ordinance regarding temporary firework sales.

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

The applicant will comply with this requirement.

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

The applicant is aware of this requirement. The request is only for the New Year's 2023 selling season.

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

The applicant is aware of this requirement.

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

The applicant will comply with this requirement.

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

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

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

The applicant will comply with this requirement.

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

The applicant will comply with this requirement.

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

The applicant will comply with this requirement.

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

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

Recommended Conditions of Approval:

- 1) This SUP is to allow TNT to operate a fireworks tent, 30 feet by 50 feet size, for the New Year's selling season from December 26, 2023 to January 2, 2024; hours are 8am to 10pm.

- 2) The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.
- 3) The applicant shall keep and maintain a fire extinguisher on-site at all times.
- 4) The applicant shall keep the City's fireworks ordinance posted on-site at all times.
- 5) Fireworks shall not be set-off on site.
- 6) The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.
- 7) The fireworks tent shall meet all minimum building setback requirements for the CH zoning district and temporary fireworks vending standards. In addition, a tent permit must be purchased from the Building and Codes Department.

Attached Exhibits

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

Site Photo #1



Site Photo #2



Site Photo #3



Site Photo #3





JOEY ROUSE / TNT FIREWORKS

P.O. Box 145
TN Ridge, TN 37178
931-249-3109
rousej@tntfireworks.com

November 9, 2023

Dear Marina Rush,

Please accept the attached application for a Special Use Permit request for temporary vendor fireworks sales, located at 2946 South Church St. (Kroger) for the following dates beginning December 26th and ending January 2th, 2024.

This is a new location for our operations this year.

We understand and will abide by the required standards of applicability and standards for fireworks sales as outlined on the attached documents for The City of Murfreesboro.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Joey Rouse", is written over a horizontal line. The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Joey Rouse, TNT Fireworks Regional Manager

City of Murfreesboro BOARD OF ZONING APPEALS		HEARING REQUEST APPLICATION	
Location/Street Address: 2946 S Church St			
Tax Map:	Group:	Parcel:	Zoning District:
Applicant: Joey Rouse		E-Mail: rousej@tntfireworks.com	
Address: PO - Box 145		Phone: 931-249-3109	
City: Tennessee Ridge		State: TN	Zip: 37178
Property Owner: Kroger Co.			
Address: 1014 Vine Street		Phone:	
City: Cincinnati,		State: OH,	Zip: 45202
Request: Class C Fireworks Sales (8AM - 10 PM)			
December 26 - January 1, 2024			
Zoning District:			
Applicant Signature: <i>Joey Rouse</i>		Date: 11/9/2023	
Received By: <i>AF</i>		Receipt #: <i>530187</i>	
Application #: <i>2-23-035</i>		Date: <i>11/9/23</i>	

Murfreesboro
Board of
Zoning Appeals



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

TNT Fireworks
P.O. Box 145
TN Ridge, TN 37178
931-249-3109

Answer for BZA standards for: 2946 SOUTH CHURCH ST, Murfreesboro, TN 37127 (Kroger parking lot)

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

(C)Standards of general applicability. An applicant for a special permit shall present evidence at the public hearing on such special permit, which evidence must establish:

- (1) that the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare. **We affirm that the proposed site will not have a substantial or undue adverse effect on any conditions listed in this section. The site has sufficient shared parking with the retail (Kroger) store on this site. Traffic will be spread out over the course of the day's operational hours. The site will have lighting inside, parking lot has lighting and a Port a Jon for restroom facilities on site.**
- (2) that the proposed building or use will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not to interfere with the development and use of adjacent property in accordance with the applicable district regulations; **The proposed site (tent) will be set up in an overflow parking area of the Kroger parking lot and will not interfere with the adjacent property or any district regulations.**
- (3) that the proposed buildings or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services; **All essential public facilities and services listed in this section will be adequately provided for on this site.**
- (4) that the proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be of significant natural, scenic, or historic importance. **This site will not result in any destruction, loss or damage listed in this section.**
- (5) that the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use.

Site plan submitted, traffic, parking etc. have been considered when setting up the proposed location. Location meets all requirements of the zoning ordinances.

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

- [1] The application for a temporary vendor Special Use Permit shall include the signature of the owner of the property or the owner's authorized agent. The owner of the property may be the applicant if the owner is to be the operator of the temporary use. **Copy of lease agreement with property owned will be supplied.**
- [2] The site for a temporary vendor shall be improved to provide adequate parking as determined by the BZA and shall provide for an on-site turn around area so that backing onto the street will not be necessary. Parking areas shall have an asphalt, concrete, or other hard dustless surface. In the event the proposed location will be on the site of an existing permanent business, the applicant must provide verification that the parking spaces displaced by the temporary vendor (including areas for tents, trailers, inventory, and parking for the temporary vendor) will not total more than 25% of the total parking available on the site. [3] Traffic control measures may be required by the BZA. These may include a requirement that the applicant make provisions for directing traffic during expected peak hours of operation. **Location site plans show that we will occupy no more than 25% of the parking area and have sufficient turn around capabilities and will not obstruct the flow of traffic.**
- [4] Temporary facilities, including vehicles, trailers or tents, will be permitted provided they are erected or placed in conformance with all applicable Codes. Any tent must provide an emergency exit remote from the point of entrance into the tent. Vehicles, trailers and tents must be located on an asphalt, concrete or hard dustless surface and in no event may be erected or placed on a gravel or grass area. All approved vehicles, trailers or tents must be maintained in good condition. Any vehicle, trailer or other moveable equipment used in connection with such temporary vendor shall be removed from the site at the conclusion of each business day. No such vehicle, trailer or equipment shall be removed and then be parked or stored in a residential area where such parking or storage is prohibited by ordinance or restrictive covenant. A vehicle or trailer may remain on the site overnight only if it is being used to provide security for items for sale remaining on the site, which items are not in a vehicle or trailer, provided the vehicle or trailer is constantly occupied or attended. The applicant shall be required to identify any vehicle, trailer or equipment to be used, and its overnight use and location, in the application. **Information for any vehicle on site after hours to provide overnight security will be identified on the application.**
- [5] Any site used for a temporary vendor must be located so that all parts of all facilities and sales inventory on the site are no more than five hundred feet from an operable fire hydrant. **Tent is within 500' of a fire hydrant**
- [6] A deposit in the amount of five hundred dollars (\$500) per site shall be made with the Building and Codes Department. In the event the site has not been cleared and cleaned within the time specified, the deposit shall not be refunded. Additionally, unless the owner (and permit holder, if different) can prove good cause, the site shall not be eligible for other permits for temporary vendors, and the permit holder shall not be

eligible for another temporary vendor Special Use Permit, for six (6) months for the first offense, twelve (12) months for the second offense and eighteen (18) months for the third and all subsequent offenses. Except as otherwise specifically provided herein in subsection [10], all sites must be cleared and cleaned within five (5) days after the expiration of the Special Use Permit.

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

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

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

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

Special use permit will be posted on site.

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

Understood

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

N/A (generators only)

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

Acknowledged

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

Acknowledged

- [13] Signage for a temporary vendor shall conform to the requirements of the City's sign regulations including but not limited to an application for a sign permit and payment of

applicable sign permit fees. The granting of a temporary vendor Special Use Permit shall not, by itself, allow any signage on the site in addition to that which was allowed prior to the granting of such permit.

Acknowledged

- [14] The using, operating, or permitting to be played, used or operated any radio receiving set, musical instrument, phonograph, live band, amplifiers, loudspeakers, or other machine or device for producing or reproducing sound in such a manner as to disturb the peace, quiet and comfort of neighboring residents at any time with louder volume than is necessary for convenient hearing for the persons responsible for producing or reproducing such sound shall not be permitted.

N/A

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

Acknowledged

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

Acknowledged

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

N/A

- [18] The application for and grant of a Special Use Permit for temporary vending of fireworks shall be subject to the following additional conditions.
 - [aa] Any site for a fireworks seasonal retailer must be located so that all parts of all facilities and fireworks inventory on the site are no closer than two hundred feet to any fuel source.

Acknowledged

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

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

Acknowledged

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

Acknowledged

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

Acknowledged

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

Acknowledged

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

Acknowledged

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

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

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

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

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

Acknowledged, will be posted

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

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

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

Acknowledged

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

Acknowledged



October 3, 2023

TNT Fireworks - Leasing Operations
4003 Helton Drive
Florence, AL 35630

RE: NYE 2023-2024 TNT Fireworks Locations

This letter is to advise that the attached referenced stores have been awarded to TNT Fireworks for the New Year's holiday Stand/Tent sales, subject to the terms of any applicable property lease agreement, any applicable REA's or property management requirements and approvals, and to a fully executed License Agreement.

It is understood that all sales will be conducted in accordance with all regulations governing firework sales for the areas in which they are held, understanding that the local municipalities may have differing laws than its governing state.

Should you have any questions please feel free to contact me.

Sincerely,

Liz Harpole
Kroger Co. Corporate Real Estate
1014 Vine Street | Cincinnati, OH 45202
Office Phone: | Cell Phone: 720.635.5730
liz.harpole@kroger.com

Attached: List of the NYE 2023-2024 awarded stores

State of Ohio)

County of Hamilton)

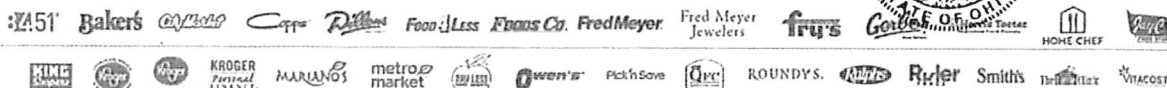
Before me personally appeared Elizabeth Harpole to me well known and known to me to be the person described herein, and who executed the foregoing instrument and acknowledged to and before me that he/she executed said instrument for the purpose therein expressed.

WITNESS my hand this 17th day of October

Notary Public



AMY LAWSON
Notary Public, State of Ohio
My Commission Expires:
May 19, 2027



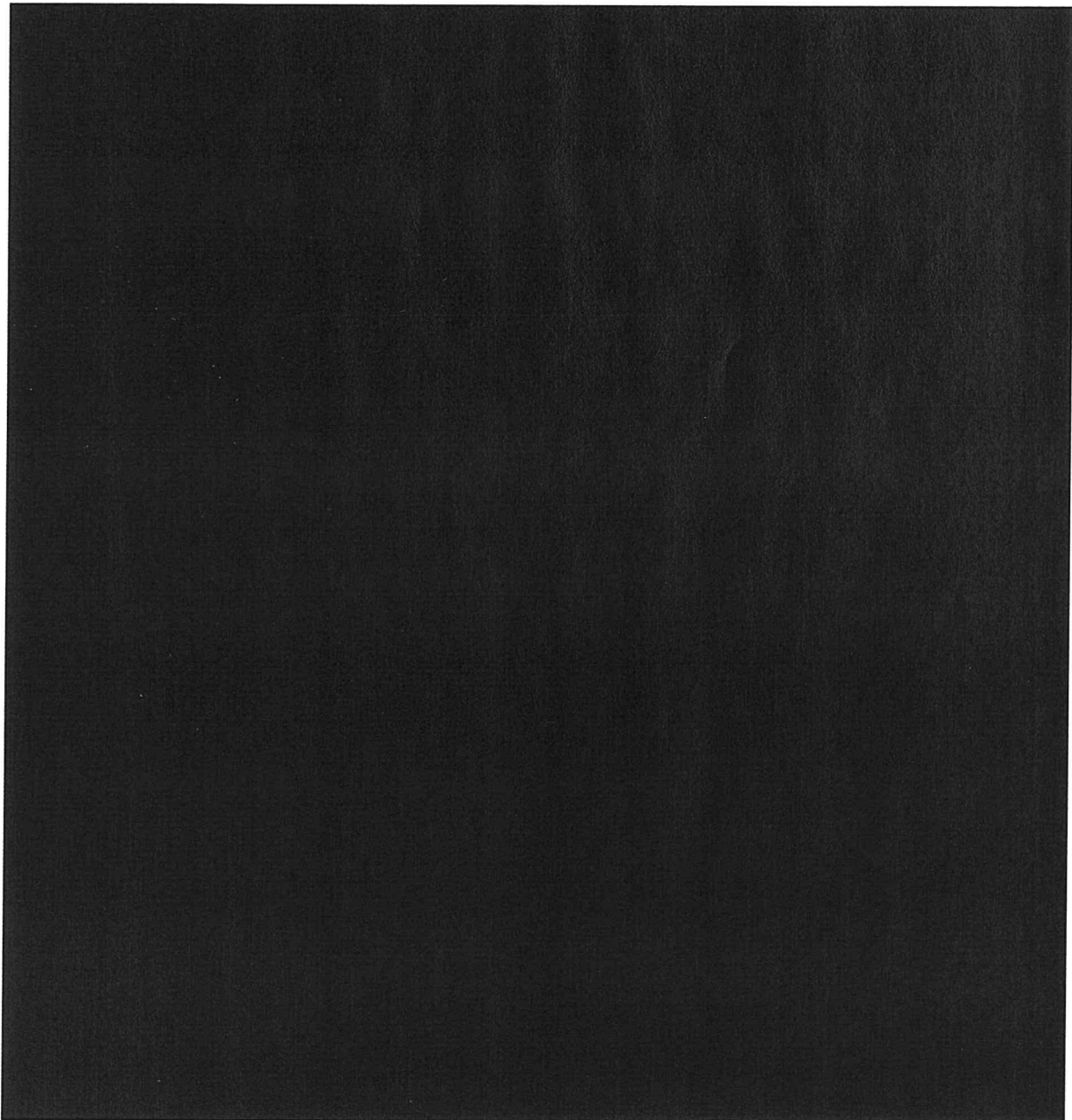


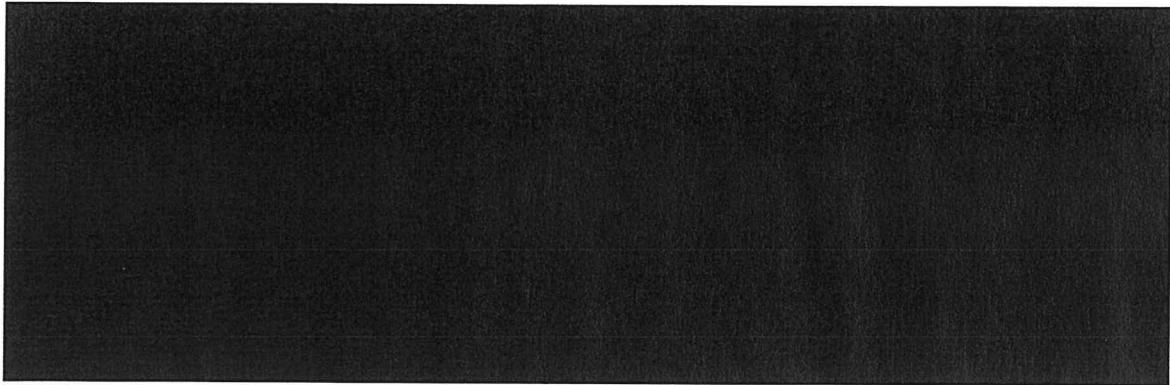
Store #	Address	City	State
485	3875 Chapel Hill Rd	Douglasville	GA
634	8876 Dallas Acworth Hwy	Dallas	GA
647	1751 Newnan Crossing Blvd E	Newnan	GA
673	455 Nathan Dean Blvd	Dallas	GA
641	774 GA Highway 96	Bonaire	GA
645	5720 Ogeechee Rd	Savannah	GA
438	4155 Lawrenceville Hwy NW	Lilburn	GA
2	3036 E Thomas Rd	Phoenix	AZ
73	6625 W Happy Valley Rd	Glendale	AZ
75	3261 E Pecos Rd	Gilbert	AZ
87	5140 W Baseline Rd	Laveen	AZ
126	6601 W Indian School Rd	Phoenix	AZ
136	4329 W Northern Ave	Glendale	AZ
610	4230 W Mcdowell Rd	Phoenix	AZ
670	6470 S Higley Rd	Gilbert	AZ
674	13982 W Waddell Rd	Surprise	AZ
680	15215 N Cotton Ln	Surprise	AZ
681	2929 E. Ocotillo Rd.	Chandler	AZ
46	520 E Baseline Rd	Phoenix	AZ
81	2250 E Baseline Rd	Phoenix	AZ
127	4204 W Cactus Rd	Phoenix	AZ
36	3770 W Ina Rd	Tucson	AZ
96	26300 N Norterra Pkwy	Phoenix	AZ
138	4036 N 1st Ave	Tucson	AZ
565	4432 Veterans Pkwy	Murfreesboro	TN
543	2946 S Church St	Murfreesboro	TN
545	510 Highway 76	White House	TN
117	24350 Kuykendahl Road	Tomball	TX



GROUND LEASE AGREEMENT

THIS AGREEMENT dated this 19th day of December, 2012 by and between the parties listed on Schedule "A" attached hereto and incorporated herein ("Landlord") and Kroger Limited Partnership I, an Ohio limited partnership ("Tenant").





7. As of the Effective Date, title to the Existing Improvements shall vest in Tenant free and clear of all mortgages and other liens and encumbrances by a bill of sale or similar instrument dated as of the Effective Date, in form and substance satisfactory to Tenant and Landlord, which conveys full, complete and absolute title to the Existing Improvements, free and clear of all liens and other encumbrances, to Tenant; provided, however, Landlord reserves the right to install and maintain, at its sole cost and expense, up to four (4) identification panels below Tenant's identification panel on the free-standing shopping center sign located at the main entrance to the Shopping Center (or any replacement of such sign) for the purpose of identifying Landlord's other tenants in the Shopping Center. Tenant shall be entitled to alter the Demised Premises, and to build, alter or demolish all improvements now or hereafter located on the Demised Premises ("Improvements") in any lawful manner as Tenant may determine. Any Improvements located on the Demised Premises shall not be encumbered by the Lease and shall be deemed the property of Tenant. Tenant shall be entitled to use the Demised Premises for any lawful purpose as it may determine. Nothing herein shall require Tenant to make any additional improvements on the Demised Premises or to conduct a business on the Demised Premises.

Landlord:

THE PARTIES IDENTIFIED ON
SCHEDULE "A" ATTACHED HERETO
AND INCORPORATED HEREIN

By: Inland Continental Property
Management, Inc., its managing agent

By: [Signature]
Name: Garry R. Sajdak
Title: Vice President

Tenant:

KROGER LIMITED PARTNERSHIP I,
an Ohio limited partnership

By: KRGP Inc., an Ohio corporation,
general partner

By: [Signature]
Name: John P. Hackett
Title: President Mid-South Division

(Landlord Acknowledgement)

STATE OF Illinois)
))
COUNTY OF Calce)

SS.

The foregoing instrument was acknowledged before me this 12th day of December, 2012, by Long Sa Palu of Inland Continental Property Management, Inc., a(n) _____ managing agent of _____ a(n) _____ on behalf of the _____.

IN WITNESS WHEREOF I have hereunto set my hand and official seal.

Michael A. Shlau
Notary Public



(Kroger Acknowledgment)

STATE OF KY)
COUNTY OF Jeff) SS.

The foregoing instrument was acknowledged before me this 19th day of December, 2012, by John P. Hackett of KRGP Inc., an Ohio corporation, general partner of Kroger Limited Partnership I, an Ohio limited partnership, on behalf of the limited partnership.

IN WITNESS WHEREOF I have hereunto set my hand and official seal.

[Signature]
Notary Public

My Commission Expires May 1, 2014

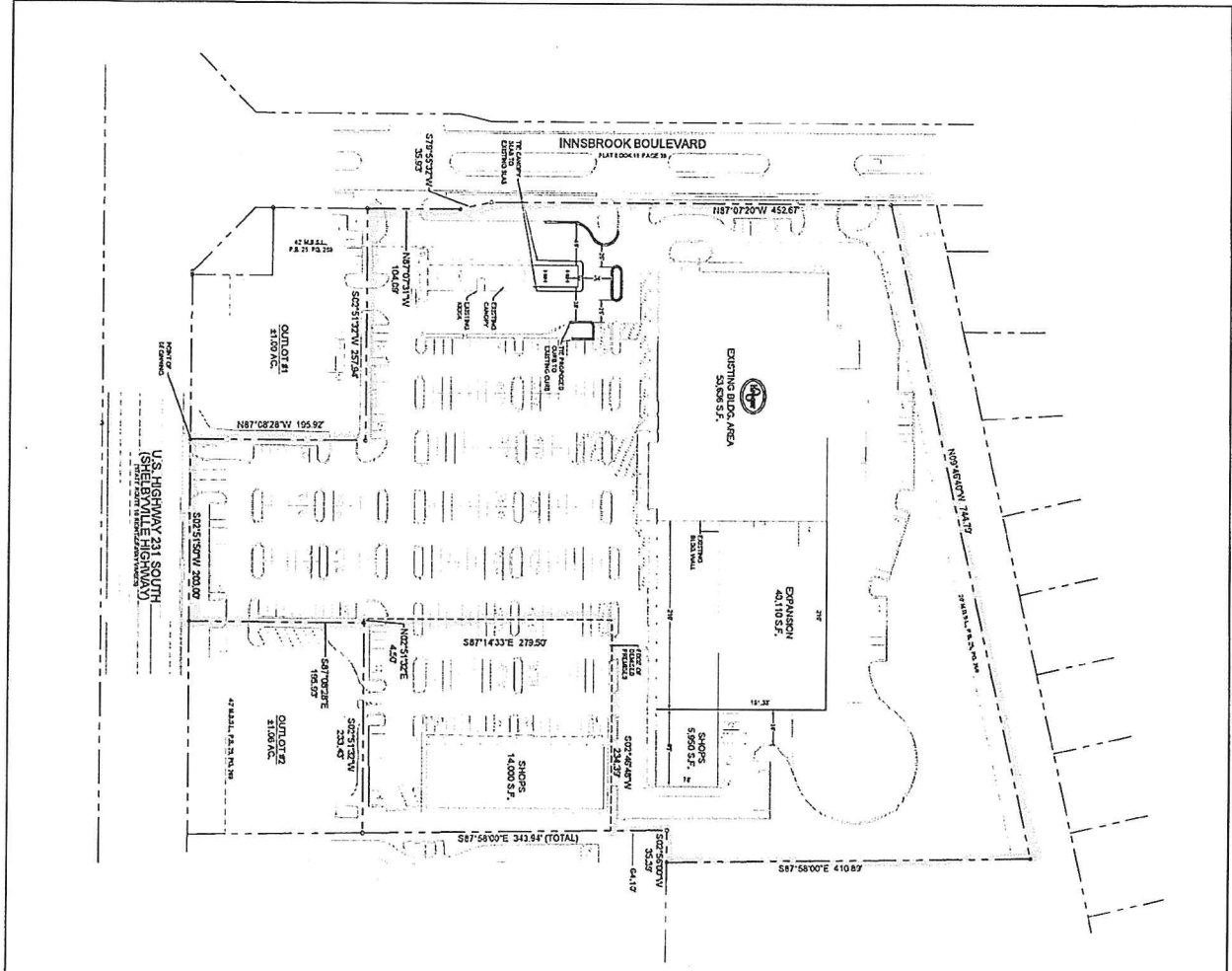


EXHIBIT A

PROPOSED IMPROVEMENTS TO THE EXISTING SITE OF THE KROGER STORE AT THE INTERSECTION OF S. CHURCH ST. AND U.S. HIGHWAY 231 SOUTH (SHELBYVILLE HIGHWAY) IN MURFREESBORO, TENNESSEE. THE PROPOSED IMPROVEMENTS INCLUDE THE CONSTRUCTION OF AN EXPANSION TO THE EXISTING BUILDING, THE RECONSTRUCTION OF THE EXISTING DRIVE AISLES, AND THE CONSTRUCTION OF NEW DRIVE AISLES AND PARKING SPACES. THE PROPOSED IMPROVEMENTS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF MURFREESBORO ZONING ORDINANCES AND THE TRENCHING AND SHIELDING ACT. THE PROPOSED IMPROVEMENTS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF MURFREESBORO ZONING ORDINANCES AND THE TRENCHING AND SHIELDING ACT. THE PROPOSED IMPROVEMENTS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF MURFREESBORO ZONING ORDINANCES AND THE TRENCHING AND SHIELDING ACT.

EXHIBIT B

PROPOSED IMPROVEMENTS TO THE EXISTING SITE OF THE KROGER STORE AT THE INTERSECTION OF S. CHURCH ST. AND U.S. HIGHWAY 231 SOUTH (SHELBYVILLE HIGHWAY) IN MURFREESBORO, TENNESSEE. THE PROPOSED IMPROVEMENTS INCLUDE THE CONSTRUCTION OF AN EXPANSION TO THE EXISTING BUILDING, THE RECONSTRUCTION OF THE EXISTING DRIVE AISLES, AND THE CONSTRUCTION OF NEW DRIVE AISLES AND PARKING SPACES. THE PROPOSED IMPROVEMENTS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF MURFREESBORO ZONING ORDINANCES AND THE TRENCHING AND SHIELDING ACT. THE PROPOSED IMPROVEMENTS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF MURFREESBORO ZONING ORDINANCES AND THE TRENCHING AND SHIELDING ACT. THE PROPOSED IMPROVEMENTS WILL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF MURFREESBORO ZONING ORDINANCES AND THE TRENCHING AND SHIELDING ACT.



SITE DATA TABLE		CH
EXISTING ZONING		CH
LOT AREA		10,541 AC
NET LOT AREA		1,000 AC
NET LOT AREA		1,000 AC
EXISTING IMPROVEMENTS		53,008 S.F.
EXISTING IMPROVEMENTS		43,105 S.F.
TOTAL IMPROVEMENTS		96,113 S.F.
PROPOSED IMPROVEMENTS		715 SPACES
PROPOSED IMPROVEMENTS		447 SPACES
PROPOSED IMPROVEMENTS		14 SPACES
PROPOSED IMPROVEMENTS		14 SPACES

EX-A
DATE: 1-24-19
SCALE: PRELIMINARY

SITE IMPROVEMENTS FOR:
KROGER - L-543
INNSBROOKE TOWNE SQUARE - S. CHURCH ST.
MURFREESBORO, TENNESSEE



REV.	DATE	REVISION



TNT FIREWORKS FUNDRAISING

Placement Site Plan

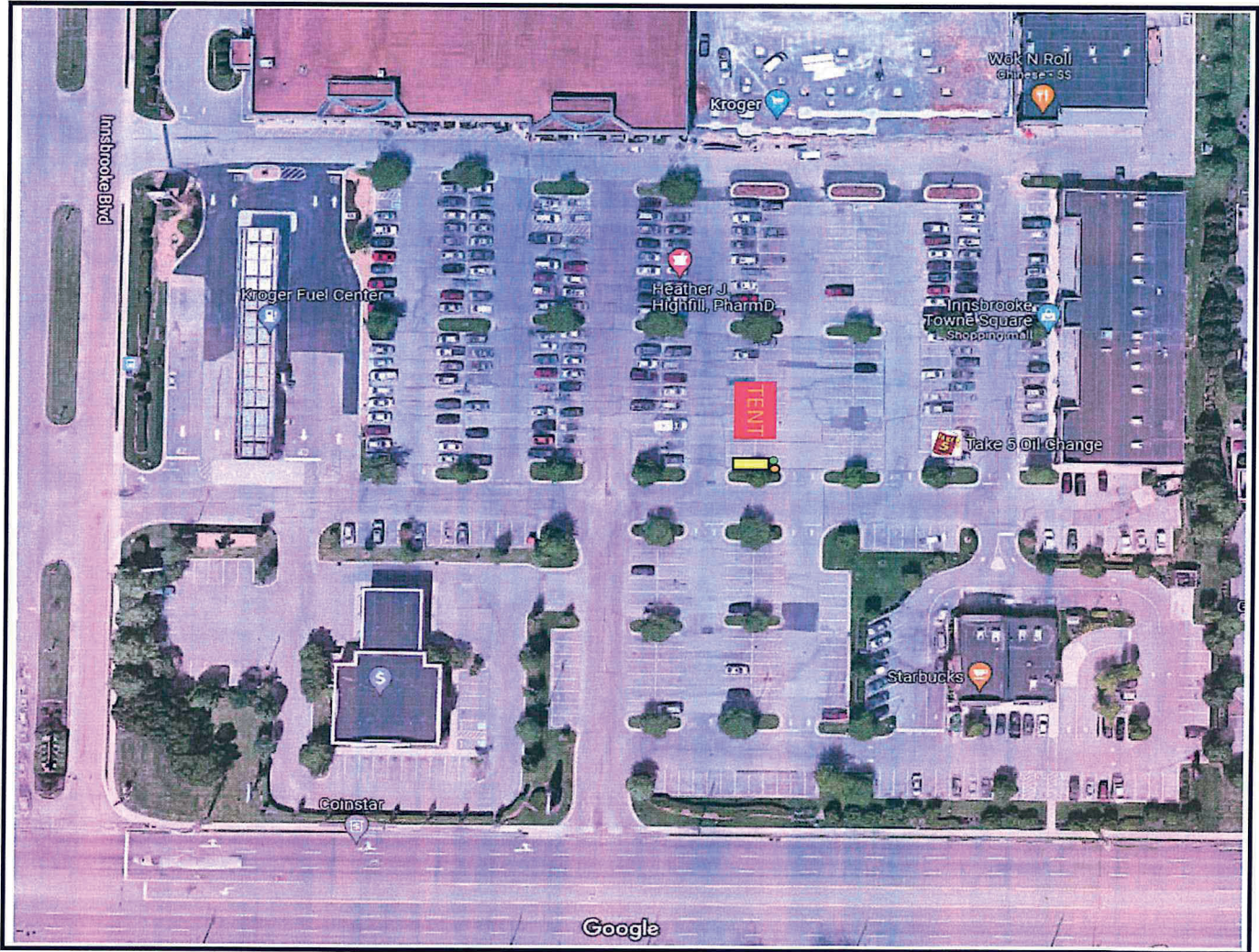
TNT LOCATION #:
FTN0543

STORE:

ADDRESS:

KROGER #543

2946 S Church St, Murfreesboro Tn, 37127



TENT 30X50

ESTIMATED # OF SPACES:

#12

