

**CITY OF MURFREESBORO
BOARD OF ZONING APPEALS**

Regular Meeting, June 23, 2021, at 1:00 p.m.
City Hall, 111 West Vine Street, Council Chambers, 1st Floor

A G E N D A

1. Call to order
2. Determination of a quorum
3. New Business

Variances

- a. **Application Z-21-018 by Beaty Properties, LLC, represented SEC, Inc.,** is requesting a variance of the required 8ft side planting yard and a variance of the 15 foot separation required between parking and/or access drives and adjacent property, for a property in the Highway Commercial (CH) and Gateway Design Overlay 1 (GDO-1) zone located at 1144 Fortress Boulevard. (Project Planner: Brad Barbee)

Special Use Permit Requests

- b. **Application Z-21-019 by Isaiah Phillips** is requesting a special use permit in order to operate a temporary outdoor vending establishment (seasonal fireworks retailer) in a Light Industrial (LI) zone for property located at 1950 S. Church Street. (Project Planner: Marina Rush)
 - c. **Application Z-21-020 by River Oaks Community Church** is requesting a special use permit for the expansion of an institutional group assembly use by placement of a portable building in a Single Family Residential (RS-15) zone for property located at 210 Rucker Lane. (Project Planner: Amelia Kerr)
4. Staff Reports and Other Business
 5. Adjourn

MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

JUNE 23, 2021

Application: Z-21-018

Location: 1144 Fortress Blvd, corner of Fortress Boulevard and John R. Rice Boulevard
(Map 79, Parcel 100.02)

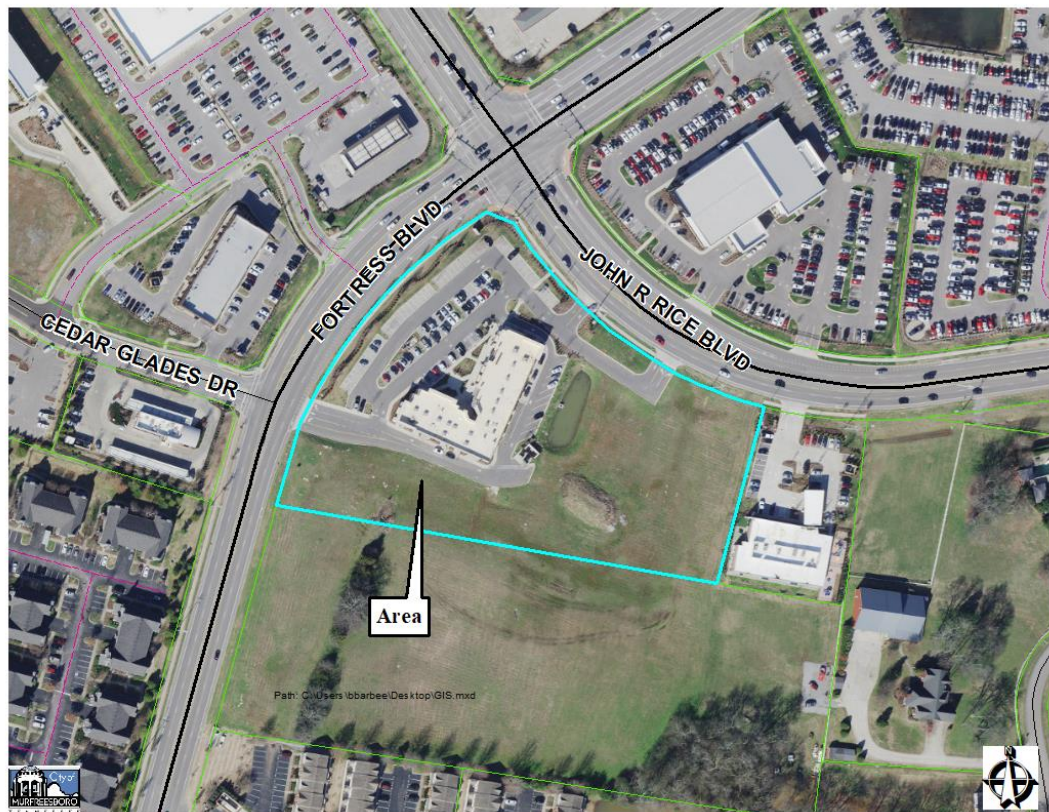
Applicant: Matt Taylor of SEC, Inc., for Beaty Properties, LLC

Owner: Beaty Properties, LLC.

Zoning: Commercial Highway (CH) and Gateway Design Overlay 1 (GDO-1)

Requests: Two Variances:

- A 15-foot variance from Section 24, Article III (E)(4)(b)(4) of the City of Murfreesboro Zoning Ordinance, which requires a minimum of 15 feet between parking and/or access drives and adjacent property on parcels 1.5 acres or more.
- An 8-foot variance from Section 27 (J)(i) which requires a minimum 8 feet width side planting yard when a property is more than two acres and less than five acres.



Overview of Request

The subject property is located at the southern corner of Fortress Boulevard and John R. Rice Boulevard. It is identified as Map 79 Parcel 100.02, contains 5.82 acres, and is zoned Commercial Highway (CH) and Gateway Design Overlay 1 (GDO-1). The property is currently developed with a 17,100 square foot commercial center (Fortress Square).

The applicant wishes to subdivide the property into two lots. The planning commission approved the preliminary plat, subject to approval of the proposed variances from the BZA. The preliminary plat depicts the future property line is the center of the shared, with a common access drive that separates the existing building from the rest of the site. The common access drive is required in order to develop on the future second lot.

As proposed with the preliminary plat, Lot 1 will not meet the required 15-foot separation between access drive and the future property line. In addition, it will not meet the minimum 8-foot wide planting yard space. The requested variances are:

- A 15-foot variance from Section 24, Article III (E)(4)(b)(4) of the City of Murfreesboro Zoning Ordinance, which requires a minimum of 15 feet between parking and/or access drives and adjacent property on parcels 1.5 acres or more.
- An 8-foot variance from Section 27 (J)(i) which requires a minimum 8 feet width side planting yard when a property is more than two acres and less than five acres.

Relevant Zoning Ordinance Section

Section 24, Article III, (E)(4)(b)(4)

The minimum space between parking and/or access drives and adjacent property: fifteen feet on lots of 1.5 acres or more and ten feet on lots of less than 1.5 acres

Section 27, J(iii)

An owner is required to have planting yards around the perimeter of a property except where vehicular access ways are provided. A planting yard shall be a uniform minimum width of: (i) five feet where the site is one acre or less; (ii) eight feet on a front planting yard and five feet on other planting yards where the site is between one and two acres; (iii) eight feet where the site is more than two acres and less than five acres or more; or, **(iv) ten feet where the site is five acres or more.** The width of the planting yard shall not affect any other requirement of this section.

Standards For Variances from Section 10 of the Zoning Ordinance:

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

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

- (1) The requested variance(s) are due to specifically identified characteristics of the land, such as the narrowness, shallowness, shape, topography or other condition of the land, are such that compliance with one or more applicable zoning regulations would be extraordinarily and peculiarly difficult or would result in an undue hardship for the Applicant:

According to the applicant, the location of the access drive was dictated by the existing entrance on the west side of Fortress Blvd. If the property line were placed 15-feet to the south of the existing drive it would result in the remaining property being too narrow to develop due to the setbacks. The remaining land would be approximately 75-105 feet wide before removing landscape yards.

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

According to the applicant, each parcel cannot have individual access points onto Fortress Blvd, so the two parcels must share the existing common access point between them. The location of the access drive was dictated by the existing entrance on the west side of Fortress Blvd. If the property line were placed 15-feet to the south of the existing drive it would result in the remaining property being too narrow to develop due to the setbacks. The remaining land would be approximately 75-105 feet wide before removing landscape yards.

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

According to the applicant, the driveway location was dictated by the existing driveway on the west side of Fortress Blvd which was not and is not owned by the Beaty Properties, LLC. In addition, Beaty Properties did not create the southern property line, it was an existing boundary line as well.

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

According to the applicant, the requested variances will not be detrimental to other land in the area as it allows for safe ingress/egress into these properties and the overall area. Furthermore, both lots will have or already have additional landscaping installed to give the same quantity of plants as required without the variance.

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

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

Staff Comments:

On May 19, 2021, the Planning Commission recommended approval of the 15 feet variance and stated this was because of the public right-of-way road alignment. The requirement to align with the existing road is not of the applicant's making and is unique to other properties in the area. The Planning Commission did not opine on the 8-foot landscape variance.

The BZA must make specific written findings of fact on each of the above standards in either granting or denying a variance. In order to grant a variance, specific written findings that each of the above standards has been met by the applicant are required. If in the judgment of the BZA that all of the above standards have not been met by a preponderance of the evidence, the variance must be denied and written findings for the standards not met.

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

Attached Exhibits

- 1) BZA Application
- 2) Applicant Letter
- 3) Site Photos
- 4) Site Plan
- 5) Site Plan staff report, May 19, 2021

1) BZA Application

<i>City of Murfreesboro</i>		HEARING REQUEST APPLICATION	
BOARD OF ZONING APPEALS			
Location/Street Address: 1144 FORTRESS BLVD			
Tax Map: 79	Group:	Parcel: 10.02	Zoning District: CH & GDO-1
Applicant: SEC, INC c/o Matt Taylor		E-Mail: mtaylor@sec-civil.com	
Address: 850 Middle Tn Blvd		Phone: 615-890-7901	
City: Murfreesboro		State: TN	Zip: 37129
Property Owner: Beaty Properties, LLC			
Address: PO Box 1750		Phone: (931) 879-8476	
City: Jamestown		State: TN	Zip: 38556
Request: Variance to the perimeter planting yard			
Zoning District: CH with GDO-1			
Applicant Signature:		Date:	
Received By:		Receipt No.:	
Application #:		Date:	

**Murfreesboro
Board of
Zoning Appeals**



T E N N E S S E E

**HEARING APPLICATION
AND
GENERAL INFORMATION**

2) Applicant Letter

SEC, Inc.

SITE ENGINEERING CONSULTANTS

Engineering • Surveying • Land Planning
Landscape Architecture

850 Middle Tennessee Blvd, Murfreesboro, TN 37129
www.sec-civil.com • 615-890-7901 • fax 615-895-2567

June 7, 2021
Revised June 9, 2021

Mrs. Marina Rush
Planning & Engineering Department
City of Murfreesboro
111 W. Vine Street
Murfreesboro, TN 37133

Re: Zoning Variance Application
Fortress Square
Murfreesboro, TN

Dear Marina,

On behalf of our client, Beaty Properties, LLC, we are pleased to submit a variance request for the property listed above to your office for consideration at the June 23rd BOZA meeting. As required within the submittal application, we have enclosed the following items for your review and consideration of this submittal.

- 6 sets of Site Plans (Reduced Set)
- \$350 Check
- BOZA Application

Pursuant to Section 10 – Variances of the City of Murfreesboro, TN Zoning Ordinance in regards to the above noted project, the following information should fulfill the needed application submittal request.

(d) Procedure

- a) Name, address, and telephone number of the applicant*
**SEC, Inc c/o Matt Taylor
850 Middle TN Blvd
Murfreesboro, TN 37129**
- b) Nature and extent of the applicant's interest in the property for which a variance is requested.*
SEC, Inc represents Beaty Properties, LLC which owns the property.
- c) A plot plan showing the dimensions of the property for which a variance is requested.*
Included with this submittal are 6 copies of plans for the application.
- d) The street address and legal description of the property for which a variance is requested.*
The site is located at 1144 Fortress Blvd. The property can also be referenced as Tax Map Number 79 Parcel 10.02.
- e) Zoning classification of the property for which a variance is requested.*
Current zoning of the property is CH (Commercial Highway) located within the GDO-1 overlay.

- f) *A statement of the exact variance sought and section of this article from which a variance is requested.*

Variance 1: Section 24, Article III (E) (4) (b) [4] of the current Zoning Ordinance requires 15-feet from property line to an access drive. This application requests a 15-foot variance from this requirement for the southern property line of Lot 1.

Variance 2: Section 27(J)(i) of the current Zoning Ordinance requires 8-foot planting yard. This application requests an 8-foot variance from this requirement for the southern property line of Lot 1.

- g) *A statement of the purpose for the requested variance and the intended development of the property if the variance is granted.*

The purpose of the request is due to a proposed property line to subdivide the existing building from the remainder of the property that is currently on a single lot of record.

The property line has been placed down the center of the shared common access drive that separates the existing building from the rest of the site.

Due to the property line being in the center of the access drive, there is no means for Lot 1 to provide the required 15-foot separation between the access drive and the new property line and or the 8-foot planting yard thus the variance requests.

We have tried to mitigate any effects this may have on the site by committing to placing the required landscape plantings in other areas on Lot 1 and having the same amount of green space onsite that would ordinarily be required. All other areas have previously been planted with the required trees.

- h) *If a use variance is sought, a statement setting forth the reason why a variance and not a zoning amendment is appropriate and stating whether the applicant previously sought a zoning amendment for such property, and if so, the disposition of the request for such amendment.*

A use variance is not being requested.

- i) *Unless otherwise modified by the zoning administrator, in accordance with standards established by said board in rules published from time to time, a vicinity map showing the property, which is the site of the requested variance and all parcels of property within a five hundred – foot radius if such property is located within the city. Such vicinity map shall show any and all streets, road or alleys, and shall indicate the owner's name and dimension of each parcel of property shown.*

A vicinity map has been included with this submittal.

(e) Standards and proof required for variances

(2) Bulk variances and other variances

- a) *Practical difficulties. The narrowness, shallowness or shape, topography or other condition of the land is such that it is extraordinarily difficult to comply with the generally applicable bulk or other regulations of the zoning classification for the property.*

The location of the access drive was dictated by the existing entrance on the west side of Fortress Blvd. If the property line were placed 15-feet to the south of the existing drive it would result in the remaining property being too narrow to develop due to the setbacks. The remaining land would be approximately 75-105 feet wide before removing landscape yards.

- b) *Unusual characteristics of the subject property. The property is unusual in that it has unusual physical features compared to the other property located in the same zoning district.*

Each parcel cannot have individual access points onto Fortress Blvd, so the two parcels must share the existing common access point between them. The location of the access drive was dictated by the existing entrance on the west side of Fortress Blvd. If the property line were placed 15-feet to the south of the existing drive it would result in the remaining property being too narrow to develop due to the setbacks. The remaining land would be approximately 75-105 feet wide before removing landscape yards.

- c) *Not self-created. The condition of the property has not resulted from any deliberate action by the owner.*

The driveway location was dictated by the existing driveway on the west side of Fortress Blvd which was not and is not owned by the Beaty Properties, LLC. In addition, Beaty Properties did not create the southern property line, it was an existing boundary line as well.

We thank you for your consideration of this variance request, and if you have any questions, comments or need of any additional information please feel free to contact me at 615-890-7901 or mtaylor@sec-civil.com.

Sincerely,

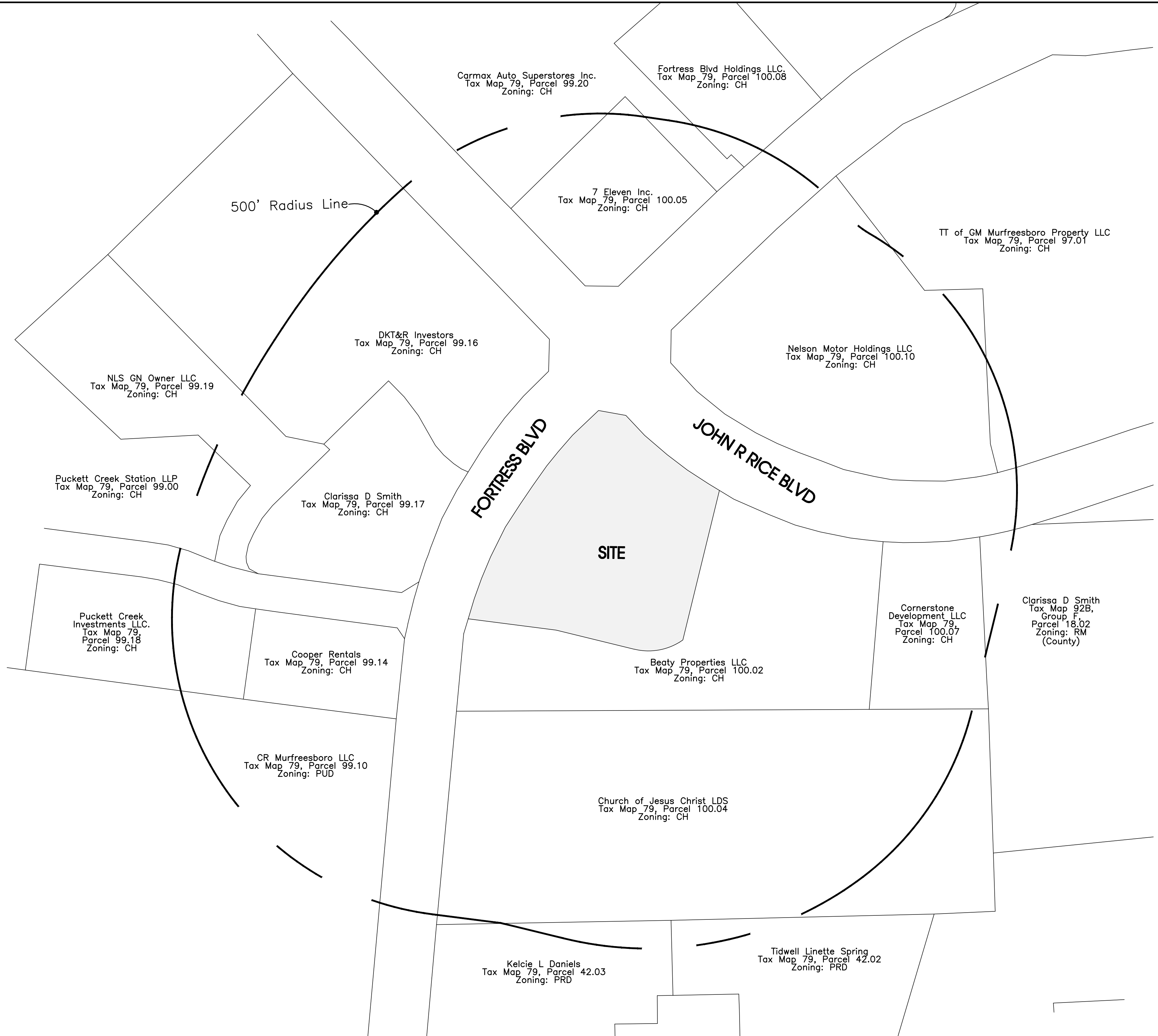


Matt Taylor, P.E.
Vice-President
SEC, Inc.

3) Site Photos







Legend:

□	EXIST. CONCRETE MONUMENT	⊕	BENCHMARK
●	IRON PIN SET (I.P.S.)	♿	HANDICAP PARKING SYMBOL
○	IRON PIN FOUND (I.P.F.)	V.A.	VAN ACCESSIBLE HANDICAP DESIGNATION
+	EXIST. SIGN POST	+	HC SIGN
○	EXIST. SEWER CLEANOUT	+	PROPOSED SIGN POST
○	EXIST. MANHOLE (SEWER & PHONE)	●	CONCRETE BOLLARD
⊖	EXIST. CATCH BASIN (STORM SEWER)	—	WHEEL STOP
⊗	EXIST. WATER/GAS VALVE	—	CONCRETE SIDEWALK
⊞	EXIST. TELEPHONE RISER	—	EXTRUDED CURB
⊞	EXIST. GAS RISER	—	CURB & GUTTER
⊞	ELECTRICAL ENCLOSURE	→	TRAFFIC ARROW
⊞	EXIST. WATER METER	↔	TURN LANE ARROWS
○	EXIST. UTILITY POLE	⚠	REVISION NUMBER
⊕	EXIST. FIRE HYDRANT	#1	DRAINAGE STRUCTURE DESIGNATION
●	POST INDICATOR VALVE	A	DRAINAGE PIPE DESIGNATION
⊞	BLOW OFF VALVE	⊗	RIP RAP
⊞	REDUCER	↘	RUNOFF FLOW ARROW
⊞	REMOTE FIRE DEPT. CONNECTION	□	INLET FILTER PROTECTION
⊞	CONCRETE THRUST BLOCK	63.25	PROPOSED SPOT ELEVATION
⊞	DOUBLE DETECTOR CHECK VALVE (63.25)	X	EXIST. SPOT ELEVATION
⊞	FIRE DEPT. CONNECTION	X	SEWER/STORM FLOW DIRECTION
⊞	FIRE HYDRANT	⊞	CATCH BASIN
⊞	GATE VALVE & BOX	⊞	CURB INLET
⊞	WATER METER	⊞	AREA DRAIN
⊞	GAS METER	—	HEADWALL
⊞	GREASE TRAP	⊞	WINGED HEADWALL
○	EXTERIOR CLEANOUT	⊞	CONCRETE SWALE
○	MANHOLE	⊞	TYPE- X- HEADWALL

EXISTING PHONE	PH
EXISTING ELECTRIC	OH
PROPERTY LINE	---
EASEMENTS	---
RIGHT OF WAY	ROW
EROSION CONTROL SILT FENCE	SF SF
EROSION EEL	E E E
EXISTING TREELINE	~ ~ ~
EXISTING FENCELINE	X X X X
MINIMUM BUILDING SETBACK LINE	---
PHASE BOUNDARY	-----
EXISTING GAS LINE	GAS
PROPOSED GAS LINE	GAS
EXISTING STORM	STM
PROPOSED STORM	STM
EXISTING CONTOUR LINES	---601---
PROPOSED CONTOUR LINES	---601---
EXISTING SANITARY SEWER	SS
PROPOSED SANITARY SEWER	SS
EXISTING WATER	W W
PROPOSED WATER	W W

Owner/Developer:
Beaty Properties
P.O. Box 1750
Jamestown, TN 38556
Contact: Steve Beaty

Deed Reference:
Tax map 79, Part of Parcel 100.02
R.Bk. 242, Pg. 2412

Yard Requirements:
Front: 42'
Side: 10'
Rear: 20'

Intended Use:
Commercial Center

Land Use Data:
Zoned: CH & GDO-1
1-Story Building
Building Ht.: 23'-0"
Total Floor Area: 17,100 Sq Ft.
1 Lot on: 2.48s Acres

Parking Requirement:
250 sq ft x 17,100 Sq Ft. = 78 Spaces Required
Outdoor Dining Ratio (7) 2-Seal Tables @
(1) Space Per 2-Seats = 7 Spaces Required
Total Required Spaces = 83 Spaces Required
Provided: 107 Regular + 3 H.C. = 112 Total Spaces Provided

Flood Map No.:
This site lies within Zone X, not in the 100 Year Floodplain, per Community Panel 47149C0259H dated January 5, 2007.

SEC, Inc.
ENGINEERING • SURVEYING • LAND PLANNING
LANDSCAPE ARCHITECTURE
850 MIDDLE TENNESSEE BOULEVARD MURFREESBORO, TENNESSEE 37129
PHONE: (615) 880-7901 E-MAIL: MTAYLOR@SEC-CIVIL.COM FAX: (615) 895-2567
NO PORTION OF THIS DRAWING MAY BE REPRODUCED WITHOUT THE EXPRESSED WRITTEN CONSENT OF S.E.C. INC.

REVIEW SET
(Not intended for construction)

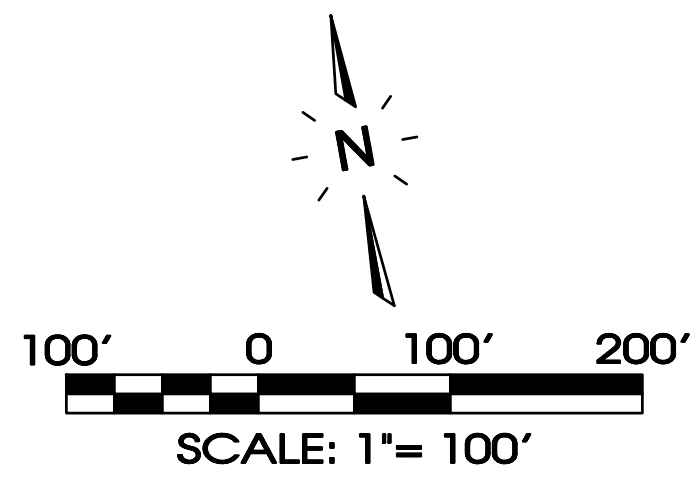
MATTHEW A. TAYLOR
REGISTERED PROFESSIONAL ENGINEER
STATE OF TENNESSEE
No. 0000000000

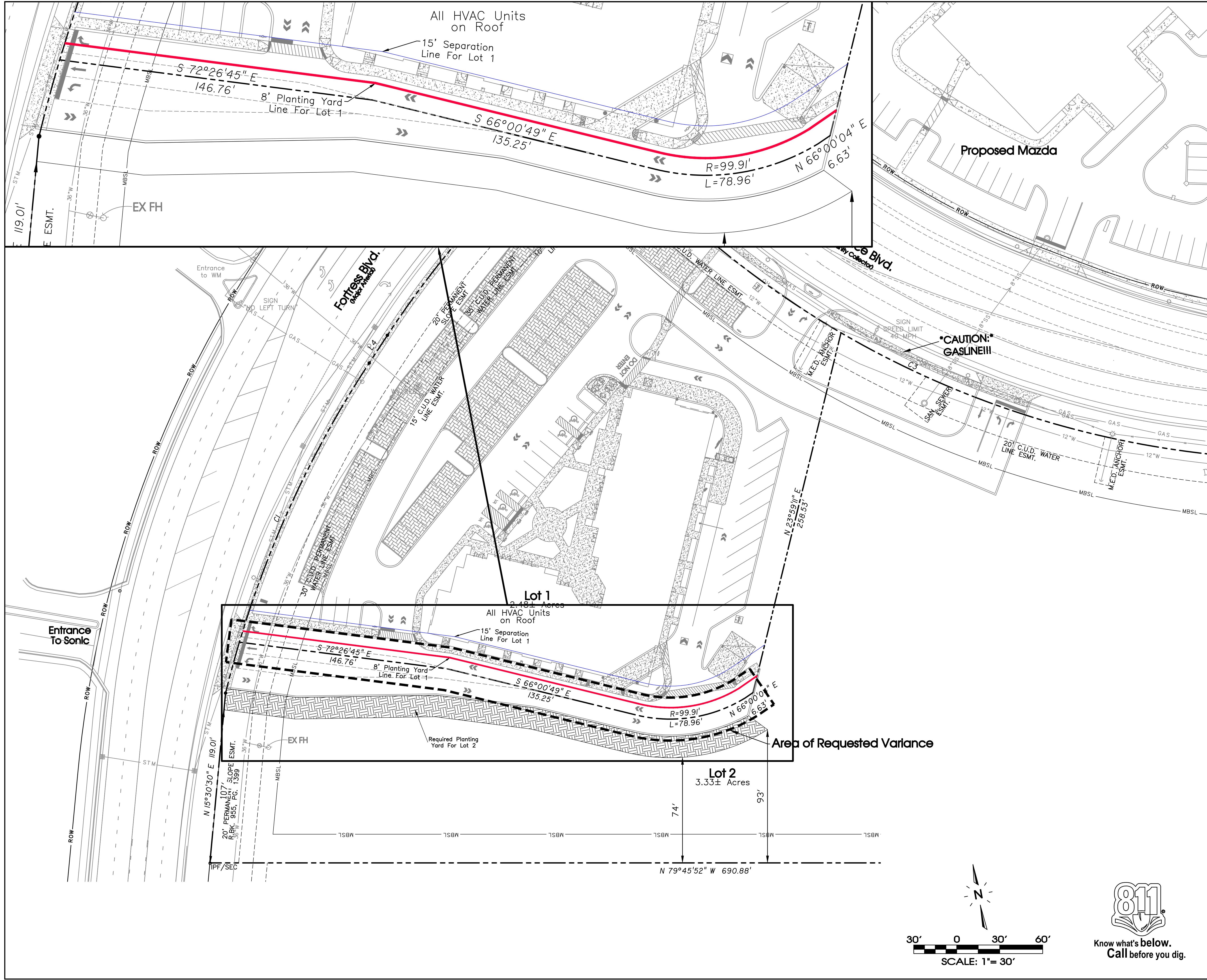
**Fortress Square
BZA Variance**
Murfreesboro, Tennessee

REVISIONS:

DATE:	6-17-2021
CHECKED:	MAT
FILE NAME:	03123lot2-bzo
SCALE:	1" = 100'
JOB NO.	03123
SHEET:	2 of 3

Master Plan





Legend:

□	EXIST. CONCRETE MONUMENT	⊕	BENCHMARK
●	IRON PIN SET (I.P.S.)	♿	HANDICAP PARKING SYMBOL
○	IRON PIN FOUND (I.P.F.)	V.A.	VAN ACCESSIBLE HANDICAP DESIGNATION
+	EXIST. SIGN POST	→	HC SIGN
—	EXIST. SEWER CLEANOUT	→	PROPOSED SIGN POST
○	EXIST. MANHOLE (SEWER & PHONE)	●	CONCRETE BOLLARD
⊖	EXIST. CATCH BASIN (STORM SEWER)	—	WHEEL STOP
⊗	EXIST. WATER/GAS VALVE	—	CONCRETE SIDEWALK
⊕	EXIST. TELEPHONE RISER	—	EXTRUDED CURB
⊕	EXIST. GAS RISER	—	CURB & GUTTER
⊕	ELECTRICAL ENCLOSURE	→	TRAFFIC ARROW
⊕	EXIST. WATER METER	→	TURN LANE ARROWS
○	EXIST. UTILITY POLE	⚠	REVISION NUMBER
⊕	EXIST. FIRE HYDRANT	#1	DRAINAGE STRUCTURE DESIGNATION
⊕	POST INDICATOR VALVE	A	DRAINAGE PIPE DESIGNATION
⊕	BLOW OFF VALVE	⊗	RIP RAP
⊕	REDUCER	→	RUNOFF FLOW ARROW
⊕	REMOTE FIRE DEPT. CONNECTION	⊕	INLET FILTER PROTECTION
⊕	CONCRETE THRUST BLOCK	⊕	PROPOSED SPOT ELEVATION
⊕	DOUBLE DETECTOR CHECK VALVE	⊕	EXIST. SPOT ELEVATION
⊕	FIRE DEPT. CONNECTION	→	SEWER/STORM FLOW DIRECTION
⊕	FIRE HYDRANT	⊕	CATCH BASIN
⊕	GATE VALVE & BOX	⊕	CURB INLET
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○	EXTERIOR CLEANOUT	⊕	CONCRETE SWALE
○	MANHOLE	⊕	TYPE - X - HEADWALL

EXISTING PHONE	PH
EXISTING ELECTRIC	OH
PROPERTY LINE	---
EASEMENTS	---
RIGHT OF WAY	---
EROSION CONTROL SILT FENCE	SF SF
EROSION EEL	E E E
EXISTING TREE LINE	~ ~ ~
EXISTING FENCE LINE	- X - X - X - X
MINIMUM BUILDING SETBACK LINE	---
PHASE BOUNDARY	-----
EXISTING GAS LINE	GAS
PROPOSED GAS LINE	GAS
EXISTING STORM	STM
PROPOSED STORM	STM
EXISTING CONTOUR LINES	-601-
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Owner/Developer:
Beatty Properties
P.O. Box 1750
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Contact: Steve Beatty

Deed Reference:
Tax map 79, Part of Parcel 100.02
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Yard Requirements:
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Side: 10'
Rear: 20'

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Commercial Center

Land Use Data:
Zoned: CH & GDO-1
1-Story Building
Building Ht.: 23'-0"
Total Floor Area: 17,100 Sq Ft.
1 Lot on: 2.48± Acres

Flood Map No.:
This site lies within Zone X, not in the 100 Year Floodplain, per Community Panel 47149C0259H dated January 5, 2007.

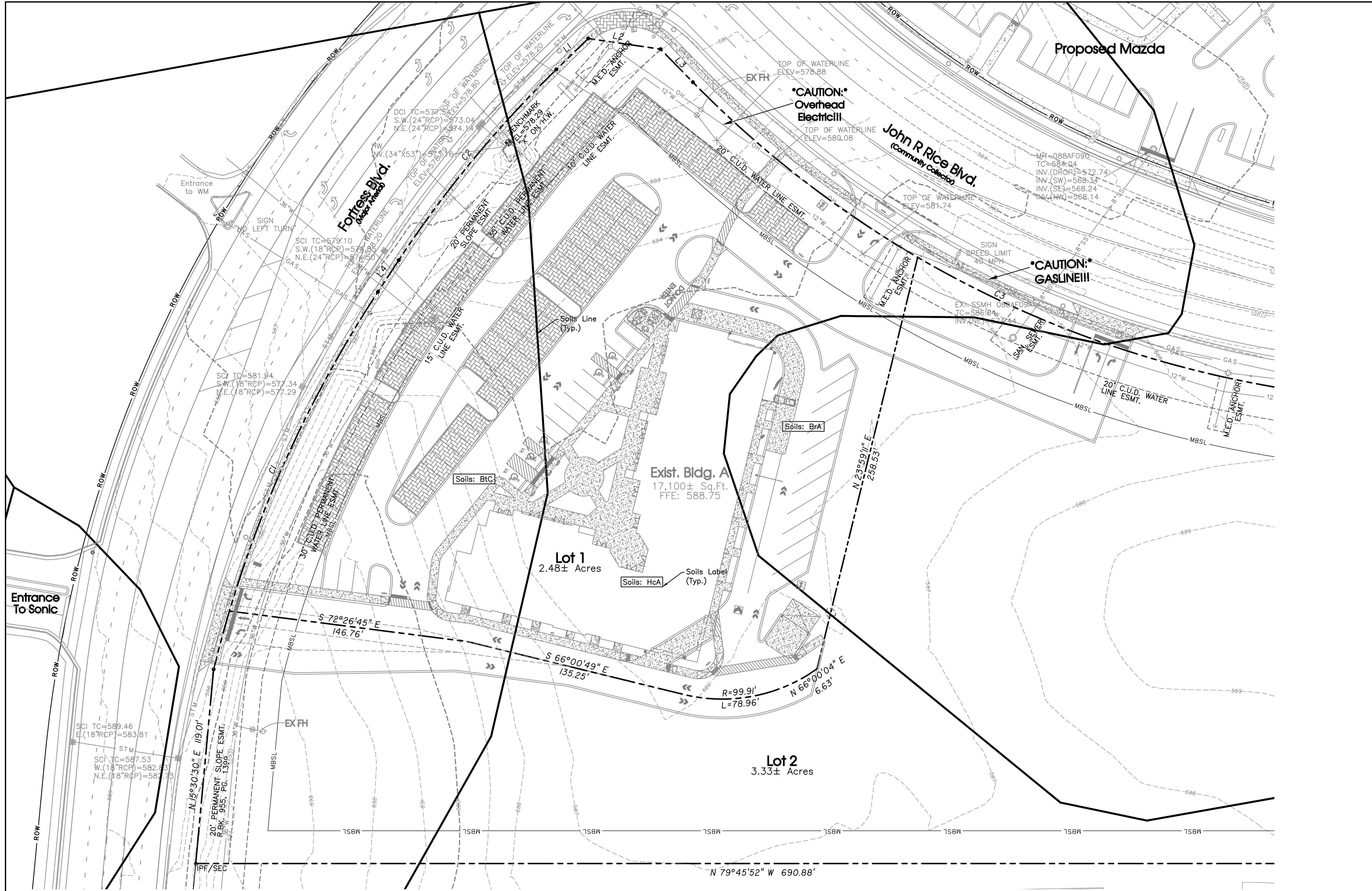
REVISIONS:

DRAWN: SJA/JLM
DATE: 6-17-2021
CHECKED: MAT
FILE NAME: 03123lot2-bzo
SCALE: 1"=30'
JOB NO. 03123
SHEET: 3 of 3

Fortress Square BZA Variance
Murfreesboro, Tennessee

Variance Exhibit

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



Legend:

□	EXIST. CONCRETE MONUMENT	⊕	BENCHMARK
●	IRON PIN SET (I.P.S.)	♿	HANDICAP PARKING SYMBOL
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⊗	EXIST. WATER/GAS VALVE	▬	CONCRETE SIDEWALK
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⊞	EXIST. GAS RISER	▬	CURB & GUTTER
⊞	ELECTRICAL ENCLOSURE	→	TRAFFIC ARROW
⊞	EXIST. WATER METER	→	TURN LANE ARROWS
⊞	EXIST. UTILITY POLE	⚠	REVISION NUMBER
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⊞	BLOW OFF VALVE	⊗	RIP RAP
⊞	REDUCER	→	RUNOFF FLOW ARROW
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⊞	GAS METER	⊞	HEADWALL
⊞	GREASE TRAP	⊞	WINGED HEADWALL
⊞	EXTERIOR CLEANOUT EOD	⊞	CONCRETE SWALE
⊞	MANHOLE	⊞	TYPE- X- HEADWALL

EXISTING PHONE	PH
EXISTING ELECTRIC	OH
PROPERTY LINE	---
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RIGHT OF WAY	---
EROSION CONTROL SILT FENCE	SF SF
EROSION EEL	E E E
EXISTING TREELINE	~ ~ ~
EXISTING FENCELINE	-X-X-X-X-
MINIMUM BUILDING SETBACK LINE	---
PHASE BOUNDARY	■■■■■■■■■■
EXISTING GAS LINE	GAS
PROPOSED GAS LINE	GAS
EXISTING STORM	STM
PROPOSED STORM	STM
EXISTING CONTOUR LINES	-601-
PROPOSED CONTOUR LINES	-601-
EXISTING SANITARY SEWER	SS
PROPOSED SANITARY SEWER	SS
EXISTING WATER	-W- W
PROPOSED WATER	-W- W

Owner/Developer:
Beatty Properties
P.O. Box 1750
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Deed Reference:
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Side: 10'
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1-Story Building
Building Ht.: 23'-0"
Total Floor Area: 17,100 Sq Ft.
1 Lot on: 2.48± Acres

Parking Requirement:
23,500 sq ft x 17,100 Sq Ft. = 76 Spaces Required
Outdoor Dining Ratio (7) 2-Seal Tables @
(1) Space Per 2-Seats = 7 Spaces Required
Total Required Spaces = 83 Spaces Required
Provided: 107 Regular + 5 H.C. = 112 Total Spaces Provided

Flood Map No.:
This site lies within Zone X, not in the 100 Year Floodplain, per Community Panel 47149C025SH dated January 5, 2007.

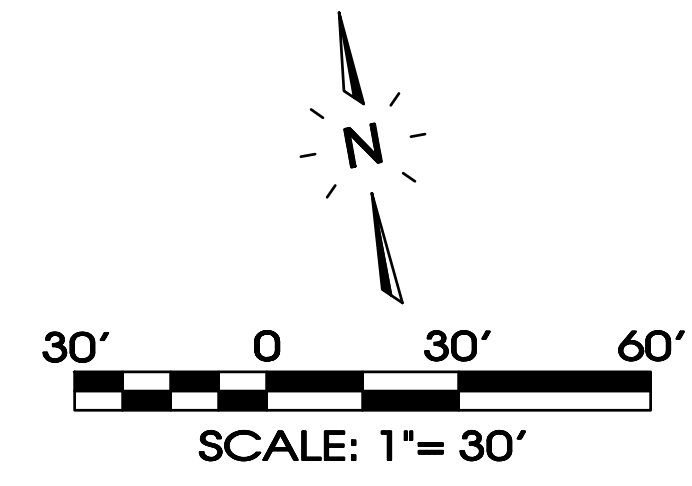
SEC, Inc.
SITE ENGINEERING CONSULTANTS
ENGINEERING • SURVEYING • LAND PLANNING
LANDSCAPE ARCHITECTURE
850 MIDDLE TENNESSEE BOULEVARD, MURFREESBORO, TENNESSEE 37129
PHONE: (615) 880-7901 E-MAIL: MATAI@SEC-CIVIL.COM FAX: (615) 895-2567
NO PORTION OF THIS DRAWING MAY BE REPRODUCED WITHOUT THE EXPRESSED WRITTEN CONSENT OF S.E.C. INC.

Fortress Square
BZA Variance
Murfreesboro, Tennessee

REVIEW SET
(Not intended for construction)

Existing Cond.

REVISIONS:
DRAWN: SJA/JLM
DATE: 6-17-2021
CHECKED: MAT
FILE NAME: 03123lot2-bzo
SCALE: 1"=30'
JOB NO: 03123
SHEET: 1 of 3



MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

JUNE 23, 2018

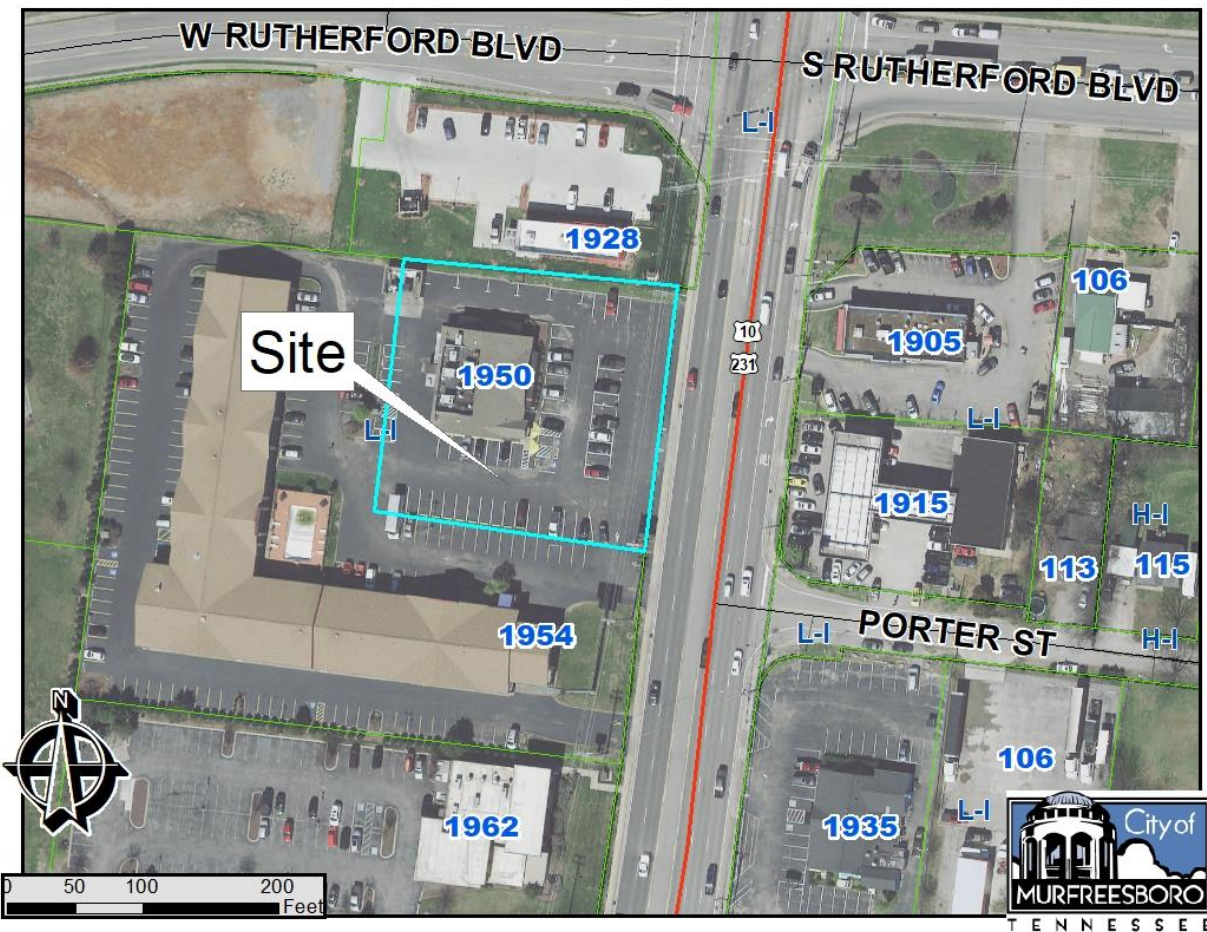
Application: Z-21-019

Location: 1950 South Church Street

Applicant: Isaiah Phillips

Zoning: Light Industrial (L-I) District

Request: Special Use Permit to Operate a Temporary Outdoor Vending for Seasonal Fireworks Sales



Request Overview

The applicant, Isaiah Phillips, wishes to operate fireworks tent for the Fourth of July season from June 28, 2018 to July 5, 2018, located at 1950 South Church Street. The 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 LI zoning district. The applicant seeks a Special Use Permit from the BZA to operate the proposed fireworks sales vending cart. The proposal is for an enclosed cart on wheels that will be transported to the property. The staff will be inside with the fireworks product and customers will only be outside to purchase. The attached photos clearly depict the interior and exterior of the unit.

City of Murfreesboro Fire and Rescue Department has reviewed the proposal and paint fire rating specifications and have do not have objections to the unit for fire rating. The subject property is located along the west side of South Church Street. The subject property is currently developed with a restaurant.

The firework stand is 10 feet by 20 feet, and will be placed to comply with the 42 foot front setback along South Church Street. Hours of operation would be from 8:00 AM to 11:00 PM, except on July 3 and July 4 where the unit will remain open until midnight. In addition, the applicant states he will properly dispose of solid waste as needed off-site, have a portable toilet, generator, and fire extinguishers on site, will be located within 500 feet from a fire hydrant, and more than 200 feet from a fuel source.

Relevant Zoning Ordinance Section:

Section 9(D)(2)(eeee)(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.

Staff Comments:

City Code allows fireworks to be sold within the City from June 28 to July 5. Section 9(D)(2)(eeee) of the Murfreesboro Zoning Ordinance allows fireworks retailers to begin site work as early as June 21; the site must be cleared of all debris and structures by July 10. In the attached request letter, the applicant indicates that sales will begin on June 28 and end on July 5; further, the site will be cleared by July 10. The structure's hours of operation will be from 8:00

AM until 11:00 PM on each day of operation except July 3 and July 4, when the tent will remain open from 7:00 AM until Midnight.

The applicant intends to use the restroom on the premises for customers. The applicant attests that all standards of general applicability for a Special Use Permit will be met. Further, in the request letter, the applicant has addressed all of the specific standards for Temporary Outdoor Vending Establishments.

STAFF COMMENT:

Staff recommends the following conditions:

- 1) A fire extinguisher be kept on-site at all times.
- 2) The City's fireworks ordinance be posted on-site.
- 3) No fireworks are to be set off on-site.
- 4) 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.
- 5) The tent must meet all minimum building setback requirements for the CH zoning district, and a tent permit must be obtained for the tent.
- 6) June 28 and end on July 5; further, the site will be cleared by July 10. The structure's hours of operation will be from 8:00 AM until 11:00 PM on each day of operation except July 3 and July 4, when the tent will remain open from 7:00 AM until Midnight.

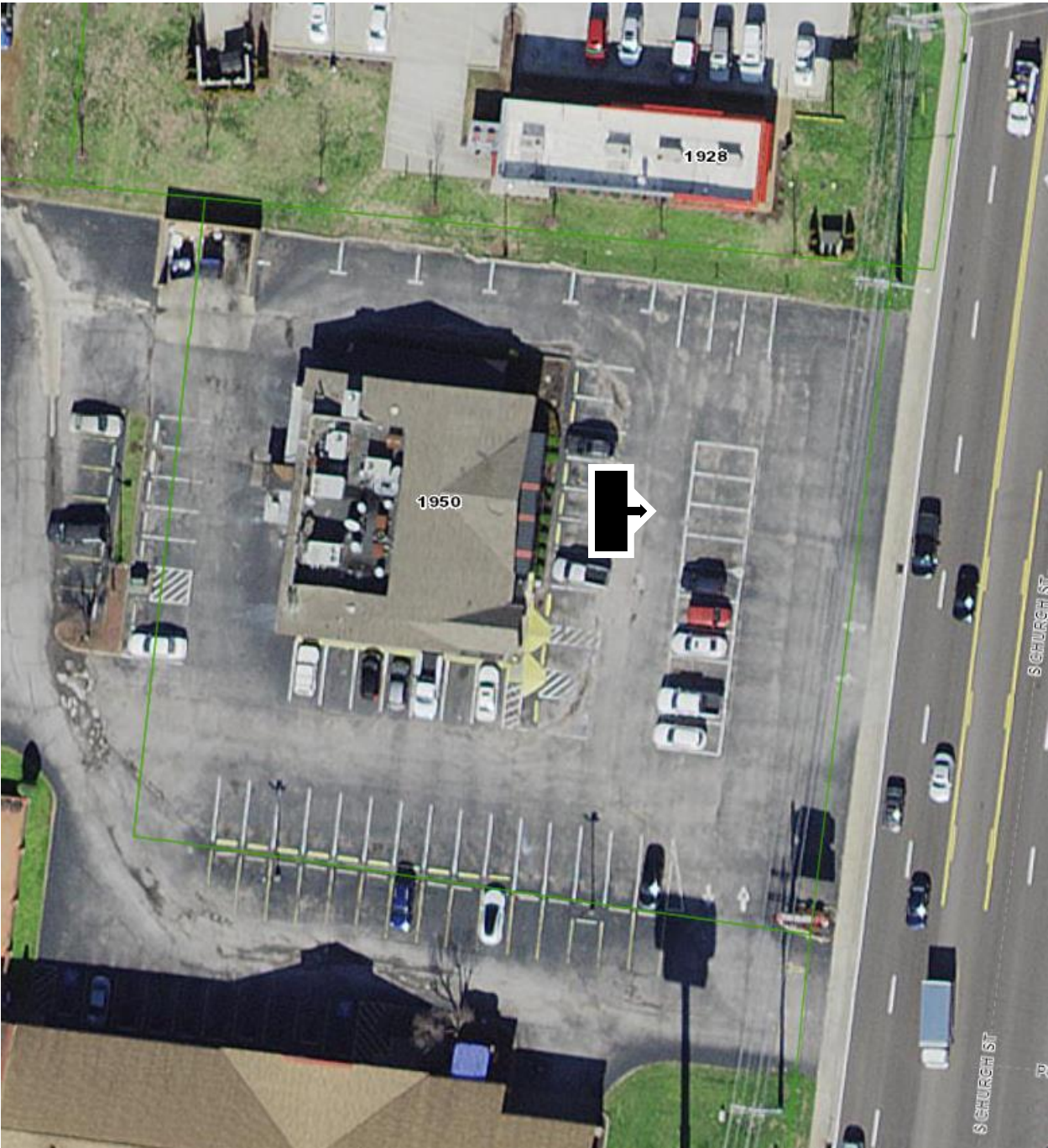
The applicant will be in attendance to respond to any questions the Board may have.

Attached Exhibits

- 1) Photos
- 2) Site Plan
- 3) Applicant's Request Letter
- 4) Liability Insurance and State Certificate







June 3, 2021

Isaiah Phillips & Stephanie Brown
Phillips Fireworks-Owner/Operator
436 Nightcap Lane
Murfreesboro, TN 37128
615-631-6256

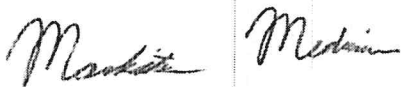
RE: 2021 July Fireworks Locations

This letter is to advise that the attached referenced store has been awarded to Phillips Fireworks for the July 4, 2021 holiday 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 area in which it is held, understanding the local municipality may have differing laws than its governing state.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Markita Medaries".

Markita Medaries
1950 South Church St.
Murfreesboro, TN 37128

Phillips Fireworks
436 Nightcap Lane
Murfreesboro, TN 37128
615-631-6256

Answer for BZA standards for: 1950 South Church St., Murfreesboro, TN 37130

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 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;
- (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;
- (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;
- (4) that the proposed building or use will not result in destruction, loss, or damage of any feature determined by the BZA to be of significant natural, scenic, or historic importance; and ,
- (5) that the proposed building or use complied 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 taken into account with setting up the proposed location. Location meets all requirements of the zoning ordinances.

(eeee) 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.
- [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.

[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.

[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.

[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 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.

(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.

Acknowledged.

[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 retainer shall provide certification that the tent is flame-resistant or treated to be flame-resistant.

Acknowledged

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

[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

[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

5/11/11

Isaiah Phillips & Stephanie Brown
Owner and Operators
Phillips Fireworks
615-631-6256

Markita Medaries and Isaiah Phillips/Stephanie Brown Parking Lot Space Agreement

This Parking Lot Space Agreement, hereinafter referred to as the "Agreement", is entered into and made effective as of the date set forth at the end of this document by and between the following parties:

Markita Medaries, a store/lot incorporated under the laws of the State of Tennessee, having its principal place of business at the following address:

1950 S Church Street

Murfreesboro, TN 37130

Isaiah Phillips, an owner and operator of the independently owned Firework Stand, incorporated under the laws of the State of Tennessee.

Stephanie Brown, an owner and operator of the independently owned Firework Stand, incorporated under the laws of the State of Tennessee.

In consideration of the promises and covenants contained herein, the Parties do hereby agree as follows:

Occupancy of Space

Markita Medaries hereby agrees to provide parking lot space located at the following address:

1950 S Church Street

Murfreesboro, TN 37129

With the Firework Stand owned and operated by Isaiah Phillips and Stephanie Brown to occupy space in this specific parking lot.

Duration of Occupancy

The occupancy of space will begin on June 22, 2021 and continue until the end date of July 5, 2021.

Price/Deposit/Payment

Both parties agree of no price, no deposit, and no payment due.

Disclaimer of Warranty

Both parties agree that the Parking Lot Space is being provided and occupied "as is".

Bathroom Use

Both parties agree that customers visiting the Firework Stand have permission to use the restrooms on the commercial property owned and operated by Markita Medaries.

Limitation of Liability

Isaiah Phillips and Stephanie Brown agree to hold Markita Medaries harmless for any damage or injuries caused to the Firework stand or any personal property left on the Parking Lot Space that is occupied, and hereby agrees that Markita Medaries shall not be responsible for any damage. Isaiah Phillips and Stephanie Brown hereby acknowledge and agree



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
6/8/2021

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Britton Gallagher One Cleveland Center, Floor 30 1375 East 9th Street Cleveland OH 44114	CONTACT NAME:													
	PHONE (A/C, No, Ext): 216-658-7100 FAX (A/C, No): 216-658-7101 E-MAIL ADDRESS:													
	<table border="1"> <tr> <th>INSURER(S) AFFORDING COVERAGE</th> <th>NAIC #</th> </tr> <tr> <td>INSURER A : Everest Indemnity Insurance Co.</td> <td>10851</td> </tr> <tr> <td>INSURER B :</td> <td></td> </tr> <tr> <td>INSURER C :</td> <td></td> </tr> <tr> <td>INSURER D :</td> <td></td> </tr> <tr> <td>INSURER E :</td> <td></td> </tr> <tr> <td>INSURER F :</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A : Everest Indemnity Insurance Co.	10851	INSURER B :		INSURER C :		INSURER D :		INSURER E :		INSURER F :
INSURER(S) AFFORDING COVERAGE	NAIC #													
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INSURER C :														
INSURER D :														
INSURER E :														
INSURER F :														


COVERAGES **CERTIFICATE NUMBER:** 586130704 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVP	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input checked="" type="checkbox"/> LOC			S18GL00445-211	5/27/2021	5/27/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> HIRED AUTOS <input type="checkbox"/> NON-OWNED AUTOS						BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB <input type="checkbox"/> OCCUR EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input type="checkbox"/> RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? <input type="checkbox"/> Y/N (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			N/A			WC STATU-TORY LIMITS OTH-ER E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 Additional Insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.
 1950 S. Church Street
 Murfreesboro TN 37130

Property Owner:
 Markita Medaries
 1950 S. Church Street
 Murfreesboro TN 37130

CERTIFICATE HOLDER	CANCELLATION
Isaiah Phillips 436 Nightcap Lane Murfreesboro TN 37128 United States of America	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 



Old Fort Fireworks

ID NUMBER: 9227
LIC STATUS: REGISTERED
EXPIRATION DATE: December 31, 2021

SEASON 1: JUNE 20 THRU JULY 5
SEASON 2: DEC 10 THRU JAN 2

TENNESSEE FIREWORKS PERMITS
FIREWORKS SEASONAL RETAILER
THIS IS TO CERTIFY THAT ALL REQUIREMENTS 24635
OF THE STATE OF TENNESSEE HAVE BEEN MET

Information regarding the sale and storage of fireworks can be found at https://www.tn.gov/content/dam/tn/commerce/documents/fire_prevention/posts/IN-1915_Fireworks_Sales_in_TN.pdf.

If you have any questions or if you would like this notice to be sent to you via e-mail, please email SFMO.permits-licensing@tn.gov or 615-741-2981.

OLD FORT FIREWORKS
436 Nightcap Lane
MURFREESBORO, TN 37128

State of Tennessee

24635

TENNESSEE FIREWORKS PERMITS
FIREWORKS SEASONAL RETAILER

OLD FORT FIREWORKS
1950 SOUTH CHURCH ST
MURFREESBORO, TN 37130

Having complied with the safety measures, as set out in Tennessee Code Annotated, Title 68, Chapter 104 and applicable rules and regulations governing the sale, storage, and use of fireworks and having paid the required fee, the holder is hereby granted a permit to engage in the sale of fireworks at the above address

ID NUMBER: 9227
LIC STATUS: REGISTERED
EXPIRATION DATE: December 31, 2021

SEASON 1: JUNE 20 THROUGH JULY 5
SEASON 2: DECEMBER 10 THROUGH JANUARY 2



IN-1313
DEPARTMENT OF
COMMERCE AND INSURANCE

**MURFREESBORO BOARD OF ZONING APPEALS
STAFF REPORT
June 23, 2021**

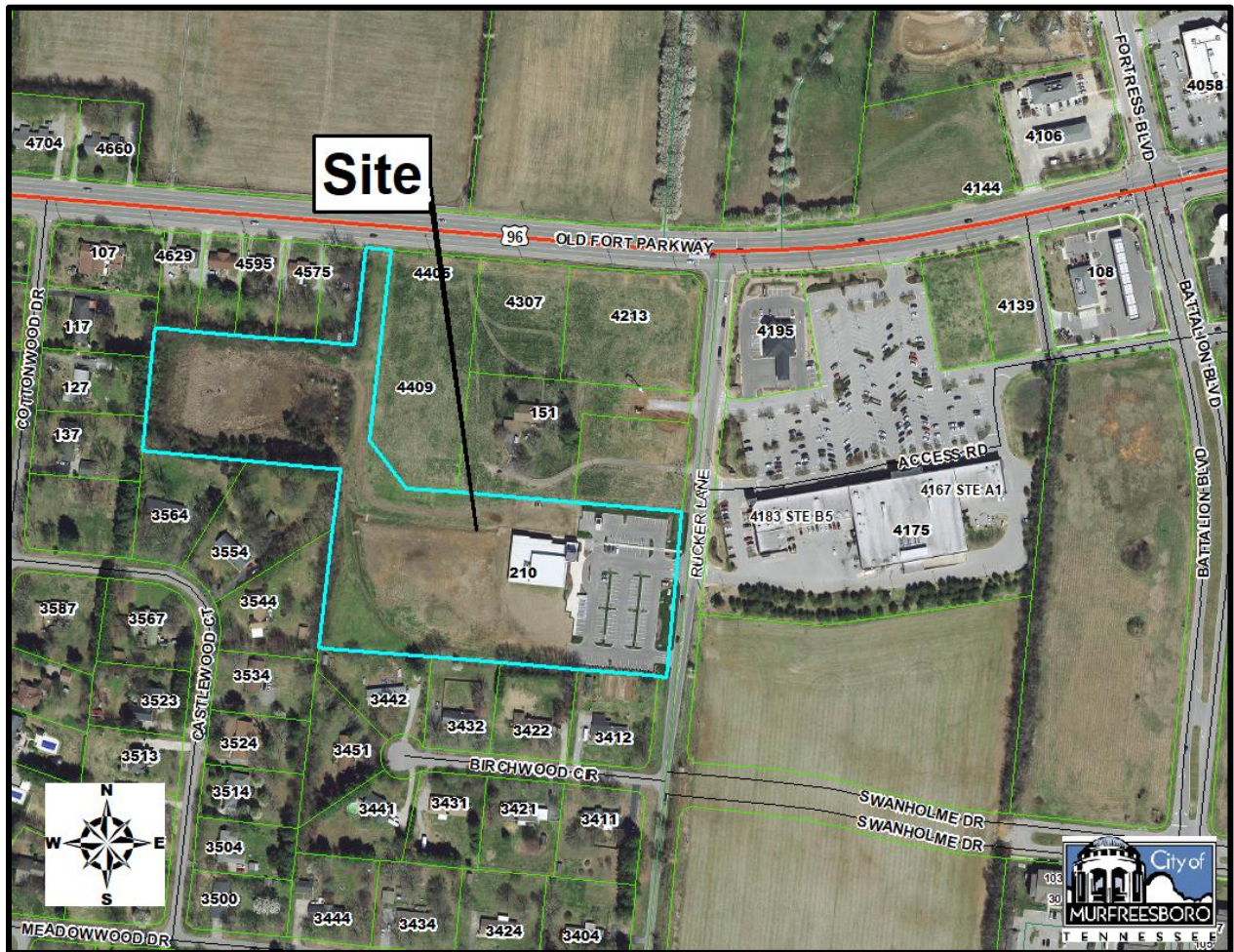
Application: Z-21-020, River Oaks Community Church

Location: 210 Rucker Lane

Applicant: River Oaks Community Church, represented by Matt Taylor, SEC

Zoning: RS-15 (Residential Single Family)

Requests: A special use permit in order to expand an existing institutional group assembly use (a church). The applicant is seeking approval for the placement of a portable building to be used as children’s classroom space for no more than three years.



Special Use Permit Request Overview

River Oaks Community Church represented by Mr. Matt Taylor, of SEC, Inc., is requesting a Special Use Permit for the expansion of an existing church through the addition of one portable for children's classrooms. Directly to the east across Rucker Lane is the Market at Victory Village shopping center, which is anchored by Publix and is zoned PUD (Planned Unit District). To the east of the subject property, is the Green Meadows single-family residential subdivision. To the south is the Brownview Acres single-family residential subdivision. The Board approved the request for a special use permit in order to construct an institutional group assembly use (a church) on 10.42 acres in a Residential Single-Family (RS-15) zone for property located at 151 Rucker Lane on September 25, 2013 (Z 2013-055) allowing for Phase I, Phase II and the recreation area only.

The portable classroom will have an installed height of 15' and is 1,344 sf2 (56' long x 24' wide) will be painted Hardi Stucco exterior finish with a vinyl skirting around the base.

In accordance with Chart 2, of the City Zoning Ordinance, the approved special use requires a new or amended special use permit from the Board of Zoning Appeals (BZA)

Also, the applicant stated that the small, approximately 200 sf storage container that is currently located on the property, will be removed on June 21, 2021 or sooner. The storage container is in violation of the zoning ordinance for storage containers in RS-15 zoning district. Staff will provide verbal confirmation of the storage unit removal at the public hearing."

Relevant Zoning Ordinance Section

Chart 2 of the City of Murfreesboro Zoning Ordinance allows churches as a special use in the RS- 15 district. Special provisions are set forth for institutional group assembly in Section 9.

Staff Comments

After reviewing the criteria for the special use requirements for institutional group assembly this project meets the criteria. As such, the applicant's proposal is consistent with institutional group assembly.

If the Special Use Permit is approved, staff recommends the following findings:

- (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 portable building has been designed to be have minimal impacts on the surrounding neighborhoods by locating the building inside the future expansion area of the church itself. The peak times for the church traffic will occur at times (i.e. Sunday mornings) when traffic on the surrounding roadways are in off-peak traffic conditions. All the parking needs for the building are contained on the site itself and will not have any connectivity with the

surrounding residential neighborhoods. There are existing utilities along Rucker Lane that can be accessed and connected to for use by the property.

Water: CUD has 2 waterlines along Rucker Lane. A 6" along the west side and a 20" along the east side.

Sanitary Sewer: MWSD has sanitary sewer located to the north of the site on the Publix site. The applicant will be responsible for extending the sewer to the subject property.

Electric: MED has electrical service along Rucker Lane via overhead lines.

Gas: Atmos Energy has gas service along Rucker Lane.

(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 proposed modular building is located behind the existing building to minimize views from public right-of-way. The site is accessed solely from Rucker Lane via 2 access drives that will provide for full turning movements. The proposed portable building will be single story building. The photometric plan will show the onsite proposed lighting in the parking lots and resulting footcandles will be no more than 0.5 at the property lines. No additional trash enclosure is proposed for this phase of work. The existing enclosure will remain.

(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:

The subjected property is located along public street Rucker Lane which is on the City of Murfreesboro's Major Thoroughfare Plan and listed to be widened and improved from Old Fort Parkway to Veterans Parkway. The roadway was previously improved along a portion of the property's frontage by the Publix project on the east side of Rucker Lane. In addition, Old Fort Parkway is currently a 5-lane roadway.

All of the parking needs for the building are contained on the site itself and will not have any connectivity with the surrounding residential neighborhoods. No additional parking is proposed with this phase of work. The total projected parking spaces for the project is shown as 582 which exceeds the ordinance requirements by 442 spaces.

The drainage for the site is directed toward the northwest to the existing pond on-site. No additional drainage improvements are proposed for this phase of work.

Solid waste disposal will be handled via an existing dumpster located on the northern portion of the property.

Fire protection and domestic water feeds is located within the main building. No bathrooms are proposed in the portable.

Sanitary sewer service is located within the main building. No bathrooms are proposed in the portable.

(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:

The area proposed for the portable is a graded pad and will not remove any features

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

Special provisions for group assembly primarily focus on parking and lighting to ensure these do not adversely affect surrounding property. Neither of these will be altered due to the addition of the portables. Those provisions are included as an attachment at the end of this report. (see Attachment D)

Recommended Conditions of Approval:

- 1) Approval of the temporary portable structure shall be valid for 3 years or until August 1, 2024.
- 2) Prior to installation or delivery to the property of the portable structure, the applicant shall apply for and obtain approval of a Site Plan from the Murfreesboro Planning Department. The Site Plan approval will include staff comments to ensure the portable is consistent with the City standards and requirements.
- 3) Prior to installation or delivery of the portable structure, the applicant shall contact the Murfreesboro Department of Building Codes to confirm the necessary permits and requirements for installation.
- 4) The portable building shall be installed and anchored to a hard-dustless surface.
- 5) Within 30 days of removal of the portable from the subject property, the applicant shall restore the area.
- 6) Prior to installation or delivery to the property, the applicant shall install a landscaping "Type C" buffer be continued adjacent to lot 15 of the Brownview Acres single-family residential subdivision at the southern property line.
- 7) Prior to installation or delivery of the portable structure, the applicant shall contact the Planning Department staff for review and approval of the aesthetics of the portable in relation to materials, color.

Attached Exhibits

- A. Zoning map and site photos
- B. Letter of explanation from applicant
- C. City of Murfreesboro, Section 9, D, 2, zz
- D. Site Plan
- E. 24x56 Portable brochure
- F. Portable photos
- G. 2015 Phase 1 Landscaping plan
- H. 2013 BZA meeting minutes and confirmation letter









Attachment B

Letter of explanation from applicant

Section 8 – Procedure for Uses Requiring Special Permits

(A) Name, address, and telephone number of the applicant

SEC, Inc on behalf of River Oaks Community
Church
c/o Bert Margetjak
2441-Q Old Fort Pkwy #433
Murfreesboro, TN 37128
615-893-7444

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

River Oaks Community Church currently owns the 10.4 acre site.

(C) Site plan to be submitted for review by City Staff and the Board of Zoning Appeals

A concept plan has been submitted with this application for review.

(D) Address of the site of the proposed special use

210 Rucker Lane
Murfreesboro, TN 37128

(E) Vicinity Map showing the property of the proposed special use and all parcels within a five-hundred foot radius

A vicinity map has been submitted with this application for review.

(F) Zoning Classification of property of the proposed special use

The property is currently zoned RS-15 and previously been granted a special use permit for a church.

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

1.) Hours and days of operation

Sundays from approximately 8:00AM-1:00PM and Wednesdays from approximately 6:00PM-9:00PM will have approximately 50 participants in the portable.

2.) Duration of the proposed special use

No more than 3 years

3.) Number of expected patrons that will be expected to utilize the property of the proposed special use

Phase 1A is for the proposed modular building at the western end/rear of the existing building which house the youth classrooms and is expected to have approximately 50 students.

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

Traffic generation projections are as follows for the entire project (including main building). At peak times, the peak traffic entering the facility is 91 vehicles per hour in Phase 1, 182 vehicles per hour in Phase 2, and 286 vehicles per hour in Phase 3. The parking lot is projected to have approximately 154 spaces with Phase 1, approximately 292 spaces after Phase 2, and approximately 580 spaces after Phase

(H) Potentially harmful characteristics of the proposed special use for the zoning district in which it is proposed and the manner in which the applicant proposes to eliminate or minimize them

The photometric plan was completed for Phase 1 and will be completed for future phases as well. All phases will show the onsite proposed lighting in the parking lots and resulting footcandles will be no more than 0.5 at the property lines.

The existing natural landscaping along the property lines will remain and be enhanced to meet the requirements of the zoning ordinance.

The trash enclosures have been located away from the residences and have been enclosed with a solid screen wall and further screened with landscaping.

Section 9 – Standards for Special Permit Uses

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

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

The portable building has been designed to be have minimal impacts on the surrounding neighborhoods by locating the building inside the future expansion area (Phase 3) of the church itself. The peak times for the church

traffic will occur at times (i.e. Sunday mornings) when traffic on the surrounding roadways are in off-peak traffic conditions. All the parking needs for the building are contained on the site itself and will not have any connectivity with the surrounding residential neighborhoods. There are existing utilities along Rucker Lane that can be accessed and connected to for use by the property.

Water: CUD has 2 waterlines along Rucker Lane. A 6" along the west side and a 20" along the east side.

Sanitary Sewer: MWSD has sanitary sewer located to the north of the site on the Publix site. The applicant will be responsible for extending the sewer to the subject property.

Electric: MED has electrical service along Rucker Lane via overhead lines.

Gas: Atmos Energy has gas service along Rucker Lane.

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 modular building is located behind the existing building to minimize views from public right-of-way. The site is accessed solely from Rucker Lane via 2 access drives that will provide for full turning movements. The proposed portable building will be single story building. The photometric plan will show the onsite proposed lighting in the parking lots and resulting footcandles will be no more than 0.5 at the property lines. No additional trash enclosure is proposed for this phase of work. The existing enclosure will remain.

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

The subjected property is located along public street Rucker Lane which is on the City of Murfreesboro's Major Thoroughfare Plan and listed to be widened and improved from Old Fort Parkway to Veterans Parkway. The roadway was previously improved along a portion of the property's frontage by the Publix project on the east side of Rucker Lane. In addition, Old Fort Parkway is currently a 5-lane roadway.

All of the parking needs for the building are contained on the site itself and will not have any connectivity with the surrounding residential neighborhoods. No additional parking is proposed with this phase of work.

The total projected parking spaces for the project is shown as 582 which exceeds the ordinance requirements by 442 spaces.

The drainage for the site is directed toward the northwest to the existing pond on-site. No additional drainage improvements are proposed for this phase of work.

Solid waste disposal will be handled via an existing dumpster located on the northern portion of the property.

Fire protection and domestic water feeds is located within the main building. No bathrooms are proposed in the portable.

Sanitary sewer service is located within the main building. No bathrooms are proposed in the portable.

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

No existing trees will be removed due to the portable. The existing pond is located on the western side of the property is projected to remain and continue to operate as it currently does and be modified to accept runoff from this project. No other structures or features are known to be of significant importance to remain at this time, however if the BZA identifies any such features the applicant will work to preserve those as well.

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

(zz) Institutional group assembly uses, including recreational fields, public buildings, public or private schools grades K-12, lodges, country clubs, churches, and other places of worship, shall be subject to the following additional standards

- 1.) Parking areas shall be designed and arranged so that backing from the site onto a public right-of-way will not be necessary and adequate space will be available for vehicles to turn around on site. An onsite off-street area shall be provided for vehicles to load and unload passengers. Parking areas shall not be permitted in the required front yard.**

No additional parking is proposed with this portable.

- 2.) In all residential districts, an institutional use group assembly use shall have a lot size not less than three times the minimum lot size permitted in the zoning district where the institutional group assembly is proposed to be located**

The minimum lot size of the RS-15 zone requires a minimum of 15,000 s.f. lots thus the minimum size is 45,000 s.f. or 1.033 acres. The site is approximately 10.4 acres in size which is 10.1 times larger than the required minimum.

- 3.) Onsite lighting for parking areas, fields for athletics, scoreboards and grounds shall be arranged in such a manner as to minimize intrusion of the lighting into areas zoned or used for residential or medical purposes**

Previous and future photometric plans will show the onsite proposed lighting in the parking lots and resulting footcandles will be no more than 0.5 at the property lines. All fixtures have been restricted to 20-foot mounting height. The recreational area will not have any scoreboards or lights. The pavilion is not proposed to be lit.

- 4.) Applications for an institutional group assembly use shall indicate the proposed locations of garbage dumpsters or receptacles. These facilities shall be located in such a manner as to minimize the adverse effects upon neighboring properties and aesthetics from the public right-of-way.**

Solid waste disposal will be handled via an existing dumpster located on the northern portion of the property.

- 5.) Areas for outdoor recreational use or outdoor group activities shall be screened or fenced in such a manner as to provide an effective buffer for adjacent uses**

The recreational areas are proposed to be used on a limited basis and the existing vegetation along property lines will remain to be used as buffers.

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

The total projected parking spaces for the project is shown as 582 which exceeds the ordinance requirements by 442 spaces. No new parking is proposed with this portable.

- 7.) An application for a special use permit for an institutional group assembly shall be accompanied by a description of uses or activities proposed for the facility which may be subject to separate regulation or which may result in unusual traffic patterns, traffic volumes, or other detrimental impacts upon adjacent properties, including but not necessarily limited to those uses which would require a special permit if not a part of the institutional group assembly use;**

No such use is proposed associated with this portable.

- 8.) The BZA shall have the authority to approve an onsite location with water, sewer, and electric utility connections for accommodations for travel trailers or recreational vehicles (RV's)**

No such uses are being requested at this time.

9.) The BZA shall have the authority to grant variances to the standards imposed by this subsection for temporary or short term uses of the property for the institutional group assembly use purposes

No temporary or short-term uses are proposed at this time therefore the applicant is not requesting any variances associated with such uses.

10.) The application for special use permit for an institutional group assembly use shall indicate an intention for the use of systems for external broadcast of speech, music, or other sounds

No speakers are proposed for the portable.

Attachment C

City of Murfreesboro Zoning Ordinance, Section 9, D, 2, zz

Institutional group assembly uses, including recreational fields, public buildings, public or private schools' grades K-12, lodges, country clubs, clubs, churches, and other places of worship, shall be subject to the following additional standards:

[1] Parking areas shall be designed and arranged so that backing from the site onto a public right-of-way will not be necessary and adequate space will be available for vehicles to turn around on-site. An on-site off-street area shall be provided for vehicles to load and unload passengers. Parking areas shall not be permitted in the required front yard;

[2] In all residential districts an institutional group assembly use shall have a lot size not less than three times the minimum lot size permitted in the zoning district where the institutional group assembly use is proposed to be located. In the event the institutional group assembly use is proposed to be located on land that has two or more different zoning classifications, the minimum lot size shall be calculated by applying the larger required minimum lot size;

Examples: MINIMUM MINIMUM ZONING LOT SIZE LOT SIZE DISTRICT (SQ. FT.) ACRES X 3 ACRES
RS-15 15,000 .34 45,000 1.03 RS-12 12,000 .28 36,000 .83 RS-10 10,000 .22 30,000 .69 RS-8 8,000
.18 24,000 .55 RS-4 4,000 .09 12,000 .28 R-D 8,000 .18 24,000 .55 R-MO 4,000 .09 12,000 .28;

[3] On-site lighting for parking areas, fields for athletics, scoreboards, and grounds shall be arranged in such a manner as to minimize intrusion of lighting into areas zoned or used for residential or medical purposes. To this end, a plan depicting the proposed location of on-site exterior lighting fixtures shall be submitted for review by staff and the BZA. Such plan shall depict the arrangement of the lighting fixtures, their height, their specifications, and the direction in which lighting will be oriented. Additional information may be required by the staff or the BZA in order to verify whether the lighting will be intrusive into areas zoned or used for residential or medical purposes;

[4] Applications for an institutional group assembly use shall indicate the proposed locations of garbage dumpsters or receptacles. These facilities UPDATED: DECEMBER 6, 2018 APP A:66 APPENDIX A - ZONING shall be located in such a manner as to minimize adverse affects upon neighboring properties and aesthetics from the public right-of-way. The use of dumpsters may be prohibited in the event the BZA determines that such would have a detrimental effect upon the adjacent property;

[5] Areas for outdoor recreational use or outdoor group activities shall be screened or fenced in such a manner as to provide an effective buffer for adjacent uses. Screening shall be required pursuant to Section 27 of this article or as required by the BZA;

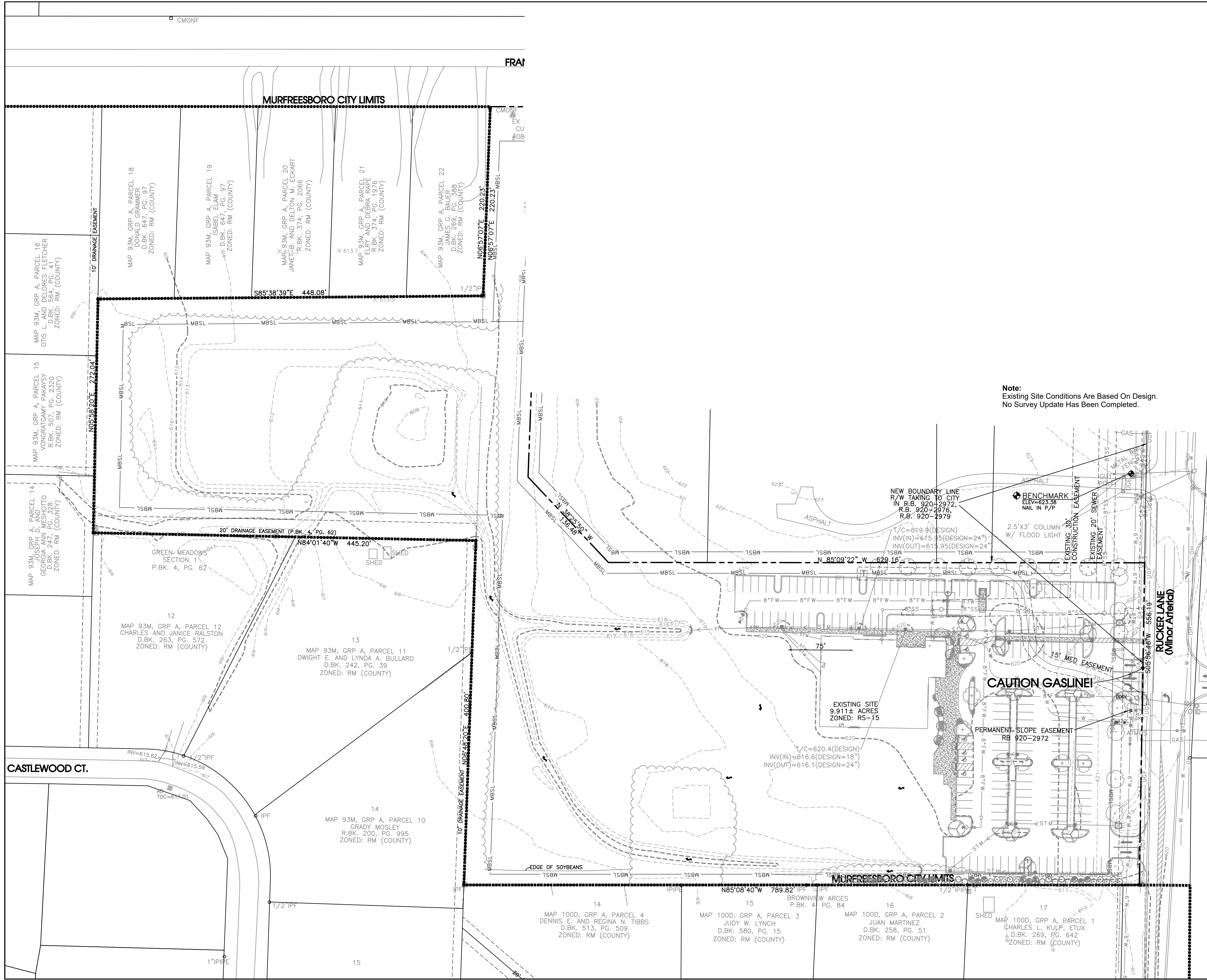
[6] The number of required parking spaces provided on-site shall be in accordance with Chart 4 of this article provided, however, if the applicant can present evidence satisfactory to the BZA that a substantial portion of the expected users will arrive at the institutional group assembly use by bus, bicycle, walking, or by car pooling or that off-street parking areas on adjacent or nearby properties will be available on a long term basis, the BZA shall have authority to determine the number of required parking spaces to be provided on-site. The BZA may require that a reserve area be retained on-site for future expansions of the parking area;

[7] an application for a special use permit for an institutional group assembly use shall be accompanied by a description of uses or activities proposed for the facility which may be subject to separate regulation or which may result in unusual traffic patterns, traffic volumes, or other detrimental impacts upon adjacent properties, including but not necessarily limited to those uses which would require a special permit if not a part of the institutional group assembly use;

[8] the BZA shall have authority to approve an on-site location with water, sewer, and electric utility connections for accommodations for travel trailers or R.V.s (recreational vehicles) for use by visiting or traveling speakers or guests associated with the institutional group assembly use. Provided, however, such location for travel trailers or R.V.s shall not be permitted for use as a permanent residential dwelling unit;

[9] the BZA shall have the authority to grant variances to the standards imposed by this subsection for temporary or short term uses of property for the institutional group assembly use purposes. In such cases, the BZA may impose conditions of approval to assure the compatibility of the short-term land use with other property in the vicinity of the proposed use; and

[10] the application for a special use permit for an institutional group assembly use shall indicate any intentions for the use of systems for the external broadcast of speech, music, or other sounds. If such are proposed, the applicant shall indicate the times of day and duration of their proposed use. The BZA shall have the authority to place restrictions upon their use in order to minimize excessive noise from intruding upon neighboring properties especially those zoned or used for residential purposes. In no event shall the BZA approve the use of such which would be in violation of the City Code or ordinances regulating noise. BZA approval does not constitute a waiver of any City Code or ordinances regulating noise.



Note:
Existing Site Conditions Are Based On Design.
No Survey Update Has Been Completed.

Legend:			
□	EXIST. CONCRETE MONUMENT	○	EXIST. UTILITY POLE
●	IRON PIN SET (I.P.S.)	○	EXIST. FIRE HYDRANT
○	IRON PIN FOUND (I.P.F.)	♻️	HANDICAP PARKING SYMBOL
+	EXIST. SIGN POST	♻️	HC SIGN
○	EXIST. SEWER CLEANOUT	♻️	EXIST. SPOT ELEVATION
○	EXIST. MANHOLE (SEWER & PHONE)	➔	TRAFFIC ARROW
⊕	EXIST. CATCH BASIN (STORM SEWER)	➔	TURN LANE ARROWS
⊗	EXIST. WATER/GAS VALVE	V.A.	VAN ACCESSIBLE HANDICAP DESIGNATION
⊞	EXIST. TELEPHONE RISER	—	WHEEL STOP
⊞	EXIST. GAS RISER	—	CONCRETE SIDEWALK
⊞	ELECTRICAL ENCLOSURE	—	EXTRUDED CURB
⊞	EXIST. WATER METER	—	CURB & GUTTER
—	EXISTING PHONE	—	PH
—	EXISTING ELECTRIC	—	OH
—	PROPERTY LINE	—	
—	EASEMENTS	—	
—	RIGHT OF WAY	—	ROW
—	EXISTING TREELINE	—	
—	EXISTING FENCELINE	—	X X
—	MINIMUM BUILDING SETBACK LINE	—	MBSL
—	EXISTING GAS LINE	—	GAS
—	EXISTING STORM	—	STM
—	EXISTING CONTOUR LINES	—	601
—	EXISTING SANITARY SEWER	—	SS SS
—	EXISTING WATER	—	W W

SEC, Inc.
ENGINEERING • SURVEYING • LAND PLANNING
LANDSCAPE ARCHITECTURE
850 MIDDLE TENNESSEE BOULEVARD
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W. A. TAYLOR
REGISTERED PROFESSIONAL ENGINEER
STATE OF TENNESSEE
NO. 10000

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

SCALE: 1" = 50'

0 50' 100'

Developer/Applicant:
River Oaks Community Church
C/O Bert Margetjak
2441-Q Old Fort Pkwy #433
Murfreesboro, TN 37128

Floodplain Note:
This site lies within Zone X, areas determined to be outside the 0.2% annual chance flood plain. FEMA FIRM map #471490255H, Dated Jan. 5, 2007.

Land Data:
Zoning: RS-15
1 Lot on 10.42± Acres

Building Setbacks:
Front: 40'
Side: 12.5'
Rear: 20'

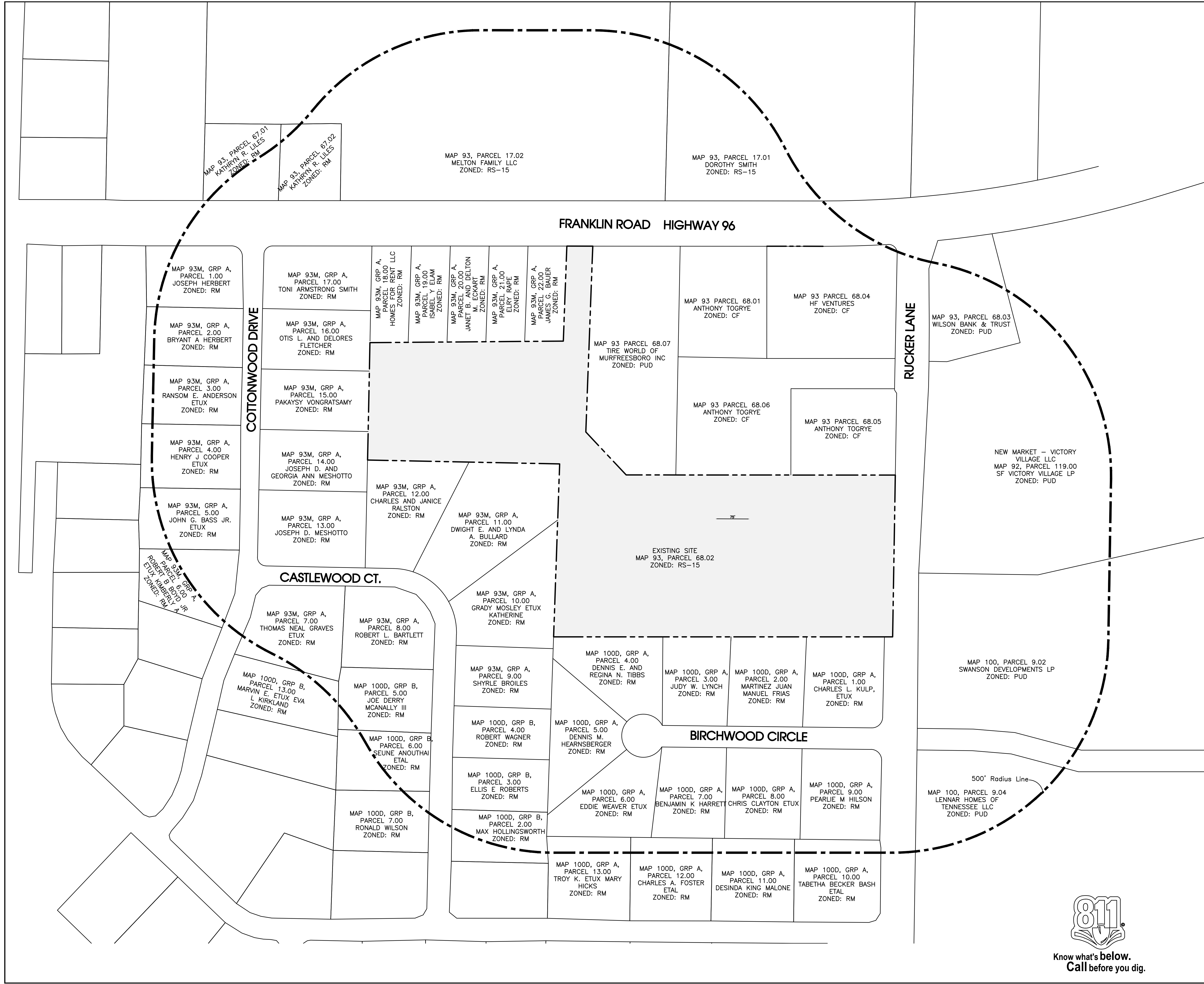
Deed Reference:
The property shown hereon is Tax Map 93, Parcel 68.02, 13th Civil District, 7th Magisterial District in Rutherford County, as recorded in R.Bk. 1265, Pg. 3475.
Lot 1 of Barbara Hutson S/D P.Bk. 37, Pg. 173.

River Oaks Community Church
Special Use Permit Application
(Portable Addition) (Not intended for permanent construction)
Murfreesboro, Tennessee

REVISIONS:

DRAWN: SJA, CFB3
DATE: 6-17-2021
CHECKED: MAT
FILE NAME: 13304projectP2-BZA
SCALE: 1"=50'
JOB NO. 13304
SHEET: 1 of 4

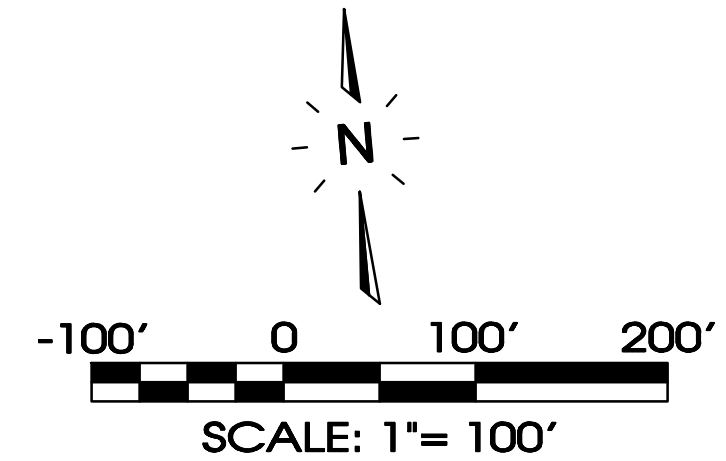
Existing Conditions



Legend:

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○	IRON PIN FOUND (I.P.F.)	▤	DOUBLE DETECTOR CHECK VALVE
+	EXIST. SIGN POST	↗	REMOVED FIRE DEPT. CONNECTION
○	EXIST. SEWER CLEANOUT	↘	FIRE DEPT. CONNECTION
○	EXIST. MANHOLE (SEWER & PHONE)	↖	FIRE HYDRANT
○	EXIST. CATCH BASIN (STORM SEWER)	▢	REDUCER
⊗	EXIST. WATER/GAS VALVE	⊗	GATE VALVE & BOX
⊞	EXIST. TELEPHONE RISER	●	POST INDICATOR VALVE
⊞	EXIST. GAS RISER	⊞	WATER METER
⊞	ELECTRICAL ENCLOSURE	∇	SEWER/STORM FLOW DIRECTION
⊞	EXIST. WATER METER	○	MANHOLE
○	EXIST. UTILITY POLE	♿	HANDICAP PARKING SYMBOL
○	EXIST. FIRE HYDRANT	⊞	HC SIGN
⊞	BENCHMARK	+	PROPOSED SIGN POST
⊞	REVISION NUMBER	▣	CONCRETE SIDEWALK
▣	CURB & GUTTER	▣	EXTRUDED CURB

EXISTING PHONE	PH
EXISTING ELECTRIC	OH
PROPERTY LINE	---
EASEMENTS	---
RIGHT OF WAY	ROW
EXISTING TREELINE	---
EXISTING FENCELINE	X X
MINIMUM BUILDING SETBACK LINE	MBSL
PHASE BOUNDARY	---
EXISTING GAS LINE	---
PROPOSED GAS LINE	---
EXISTING STORM	---
PROPOSED STORM	---
EXISTING SANITARY SEWER	SS SS
PROPOSED SANITARY SEWER	SS SS
EXISTING WATER	---
PROPOSED WATER	---



Developer/Applicant:
 River Oaks Community Church
 C/O Bert Margetjak
 2441-Q Old Fort Pkwy #433
 Murfreesboro, TN 37128

Floodplain Note:
 This site lies within Zone X, areas determined to be outside the 0.2% annual chance flood plain. FEMA FIRM map #471490255H, Dated Jan. 5, 2007.

Land Data:
 Zoning: RS-15
 1 Lot on 10.42± Acres

Building Setbacks:
 Front: 40'
 Side: 12.5'
 Rear: 20'

Deed Reference:
 The property shown hereon is Tax Map 93, Parcel 68.02, 13th Civil District, 7th Magisterial District in Rutherford County, as recorded in R.Bk. 1265, Pg. 3475.
 Lot 1 of Barbara Hutson S/D P.Bk. 37, Pg. 173.

SEC, Inc.
 SITE ENGINEERING CONSULTANTS
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 LANDSCAPE ARCHITECTURE
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River Oaks Community Church
Special Use Permit Application
(Portable Addition) (Not Intersecting)
 Murfreesboro, Tennessee

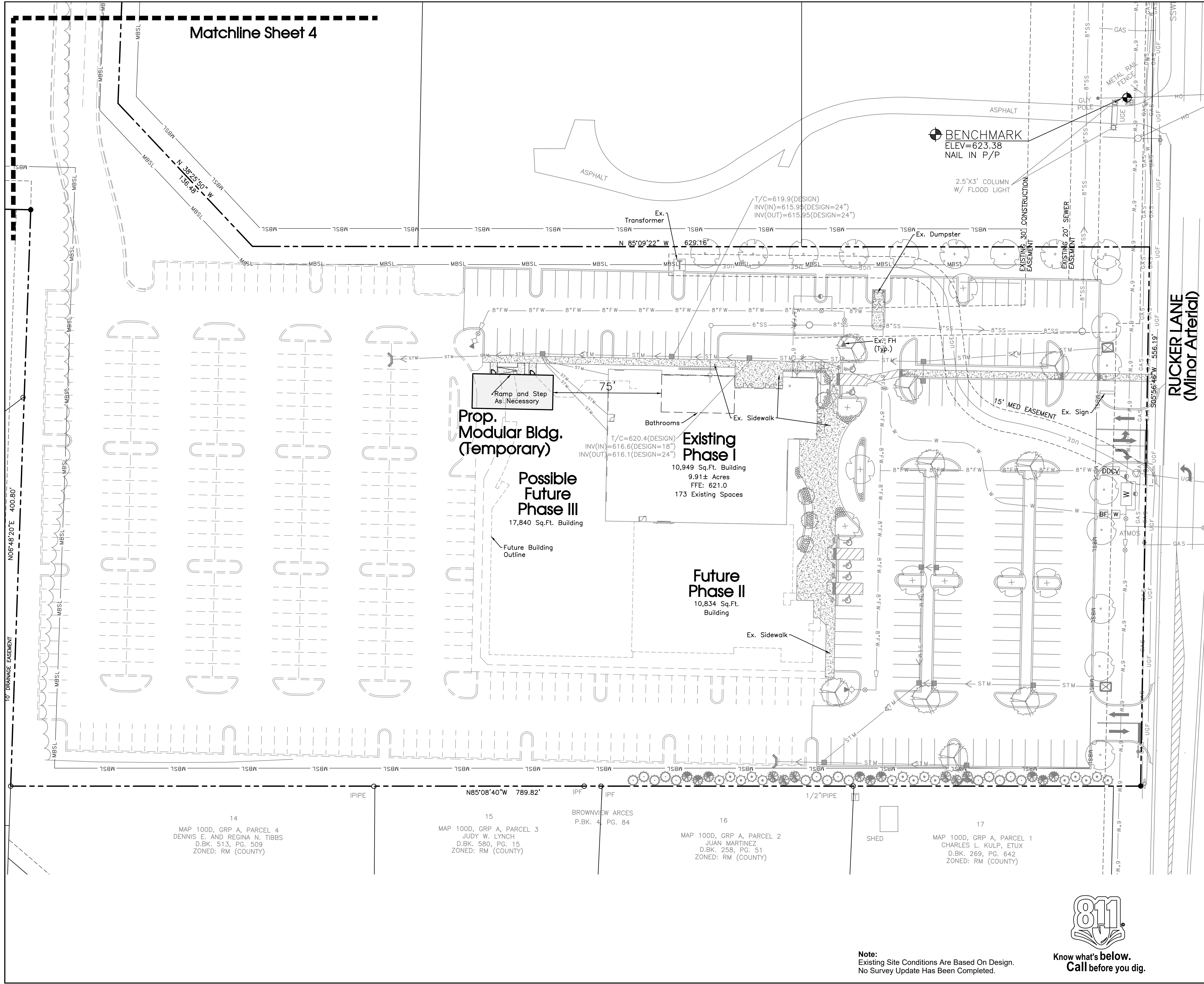
Location Map

REVISIONS:

DATE:	6-17-2021
CHECKED:	MAT
FILE NAME:	13304projectP2-BZA
SCALE:	1" = 100'
JOB NO.	13304
SHEET:	2 of 4

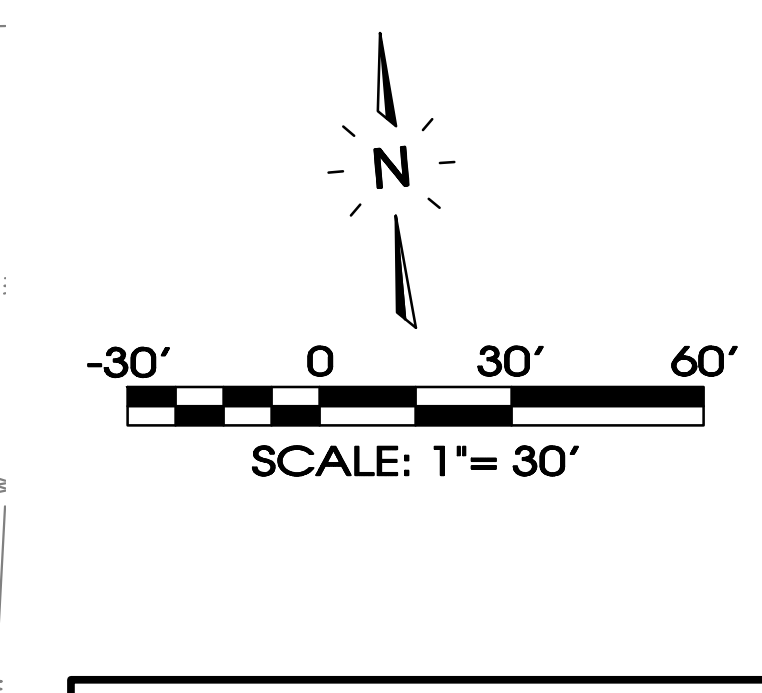


Matchline Sheet 4



Legend:

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○	IRON PIN FOUND (I.P.F.)	◻	DOUBLE DETECTOR CHECK VALVE
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○	EXIST. SEWER CLEANOUT	◻	FIRE DEPT. CONNECTION
○	EXIST. MANHOLE (SEWER & PHONE)	◻	FIRE HYDRANT
○	EXIST. CATCH BASIN (STORM SEWER)	◻	REDUCER
⊗	EXIST. WATER/GAS VALVE	⊗	GATE VALVE & BOX
⊞	EXIST. TELEPHONE RISER	⊞	POST INDICATOR VALVE
⊞	EXIST. GAS RISER	⊞	WATER METER
⊞	ELECTRICAL ENCLOSURE	⊞	SEWER/STORM FLOW DIRECTION
⊞	EXIST. WATER METER	⊞	MANHOLE
⊞	EXIST. UTILITY POLE	⊞	HANDICAP PARKING SYMBOL
⊞	EXIST. FIRE HYDRANT	⊞	HC SIGN
⊞	BENCHMARK	⊞	PROPOSED SIGN POST
⊞	REVISION NUMBER	⊞	CONCRETE SIDEWALK
⊞	CURB & GUTTER	⊞	EXTRUDED CURB



Developer/Applicant:
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C/O Bert Margetjak
2441-Q Old Fort Pkwy #433
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Floodplain Note:
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Land Data:
Zoning: RS-15
1 Lot on 10.42± Acres

Building Setbacks:
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Rear: 20'

Deed Reference:
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W. A. TAYLOR
REGISTERED PROFESSIONAL ENGINEER
REGISTERED PROFESSIONAL SURVEYOR
REGISTERED PROFESSIONAL LAND PLANNER
REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT

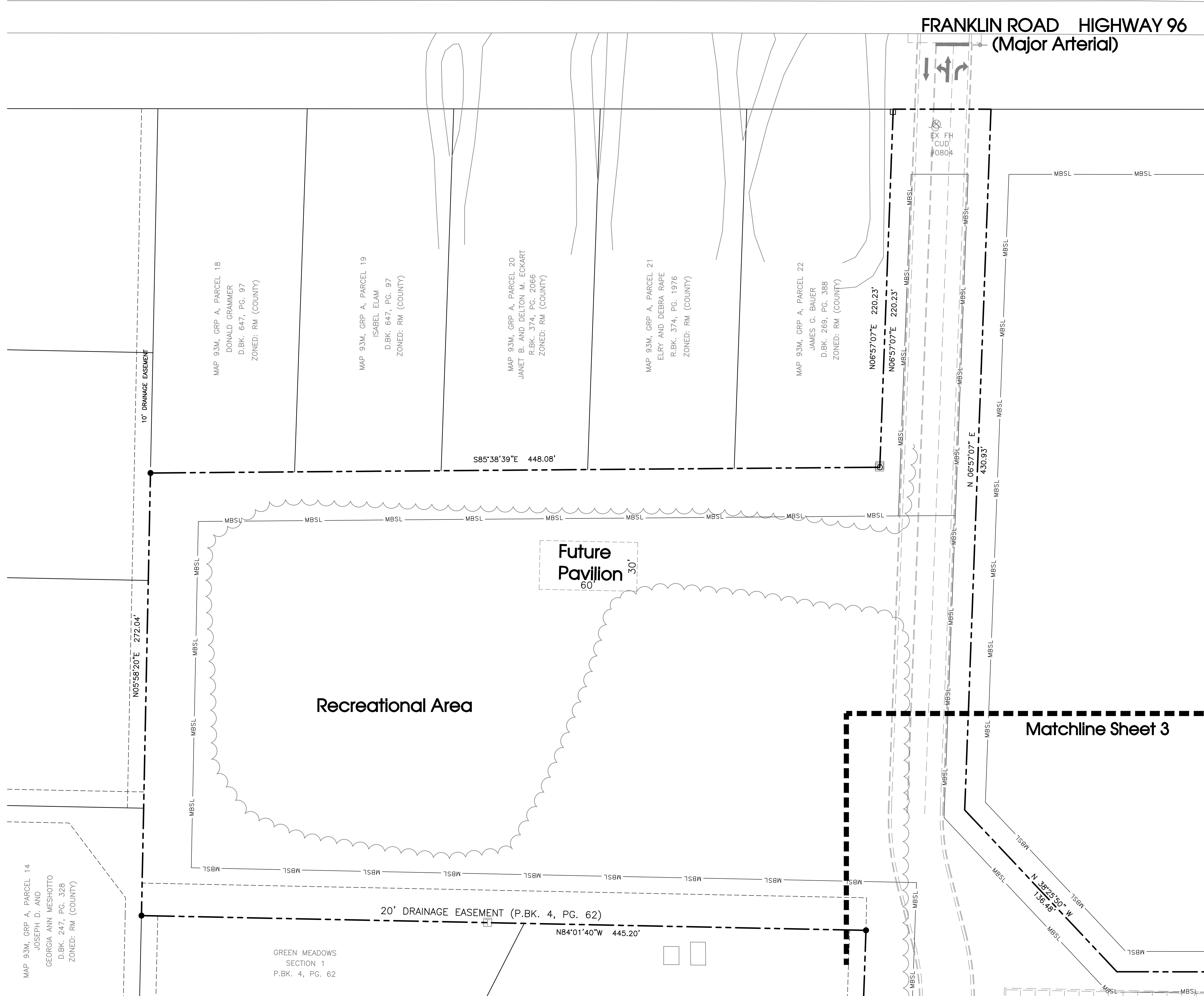
**River Oaks Community Church
Special Use Permit Application
(Portable Addition)**
Murfreesboro, Tennessee

Site Plan

REVISIONS:	DRAWN: SJA, CFB3
	DATE: 6-17-2021
	CHECKED:
	MAT
	FILE NAME:
	13304projectP2-BZA
	SCALE:
	1"=30'
	JOB NO.
	13304
	SHEET:
	3 of 4

Note:
Existing Site Conditions Are Based On Design.
No Survey Update Has Been Completed.

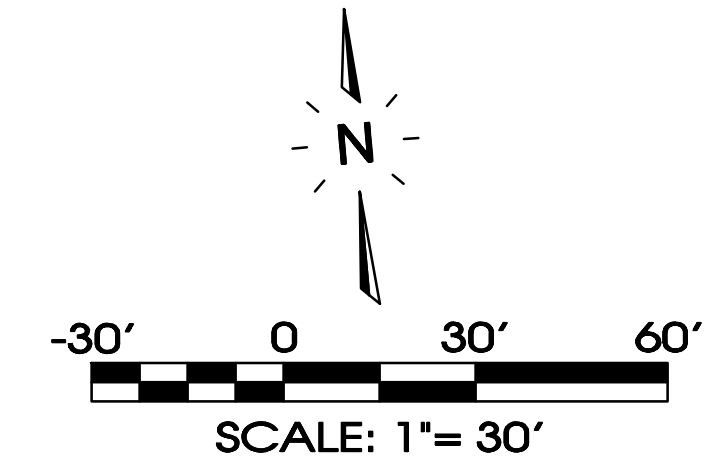




Legend:

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

EXISTING PHONE	PH
EXISTING ELECTRIC	OH
PROPERTY LINE	---
EASEMENTS	---
RIGHT OF WAY	ROW
EXISTING TREELINE	~ ~ ~
EXISTING FENCELINE	- X - X -
MINIMUM BUILDING SETBACK LINE	---
PHASE BOUNDARY	--- ---
EXISTING GAS LINE	--- GAS ---
PROPOSED GAS LINE	--- GAS ---
EXISTING STORM	--- STM ---
PROPOSED STORM	--- STM ---
EXISTING SANITARY SEWER	--- SS --- SS ---
PROPOSED SANITARY SEWER	--- SS --- SS ---
EXISTING WATER	--- W --- W ---
PROPOSED WATER	--- W --- W ---



Note:
Existing Site Conditions Are Based On Design.
No Survey Update Has Been Completed.

Developer/Applicant:
River Oaks Community Church
C/O Bert Margetjak
2441-Q Old Fort Pkwy #433
Murfreesboro, TN 37128

Floodplain Note:
This site lies within Zone X, areas determined to be outside the 0.2% annual chance flood plain. FEMA FIRM map #471490255H, Dated Jan. 5, 2007.

Land Data:
Zoning: RS-15
1 Lot on 10.42± Acres

Building Setbacks:
Front: 40'
Side: 12.5'
Rear: 20'

Deed Reference:
The property shown hereon is Tax Map 93, Parcel 68.02, 13th Civil District, 7th Magisterial District in Rutherford County, as recorded in R.Bk. 1265, Pg. 3475.
Lot 1 of Barbara Hutson S/D P.Bk. 37, Pg. 173.



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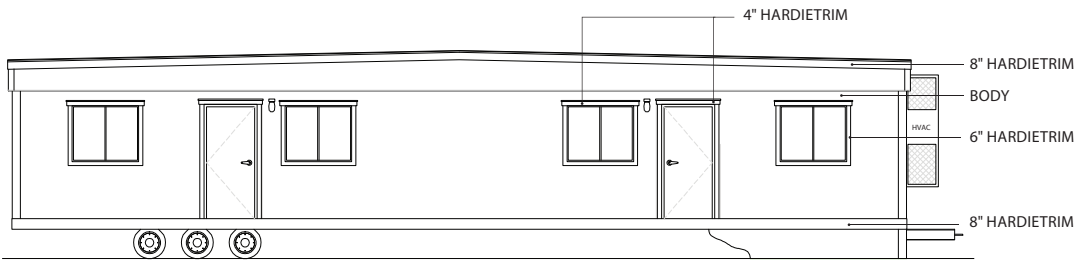
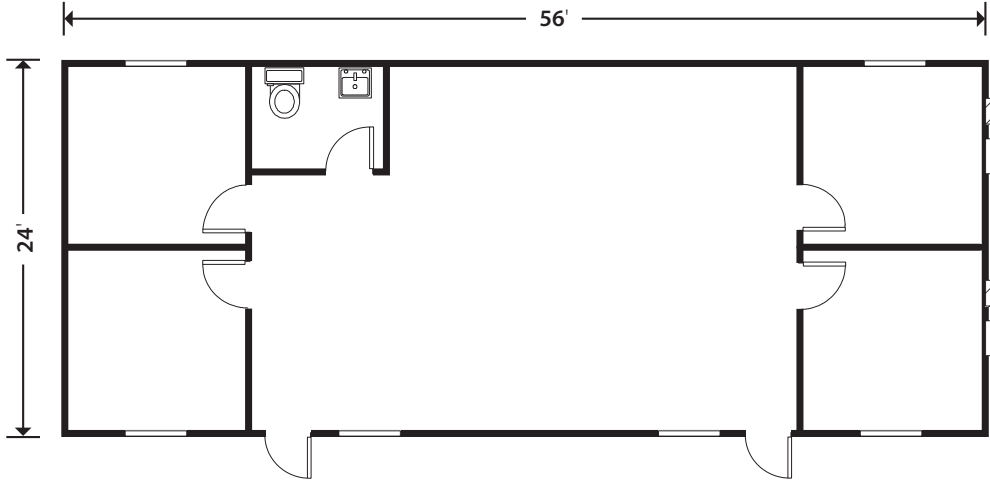
Site Plan

REVISIONS:

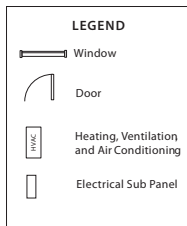
DRAWN: SJA, CFB3
DATE: 6-17-2021
CHECKED: MAT
FILE NAME: 13304projectP2-BZA
SCALE: 1" = 30'
JOB NO. 13304
SHEET: 4 of 4

General Office 24' x 56' Building

Model varies



*All dimensions nominal. Unless noted, equipment and related furnishings, finishes, accessories and appliances provided are previously leased. Materials, dimensions and specifications vary.



Notes

Size

- 56' long (excluding 3' hitch)
- 24' wide
- 8' interior ceiling height
- 1344 square feet

Interior Features

- Large open office area
- Four large private offices
- Vinyl composite tile flooring (carpet optional)
- Vinyl wrapped gypsum wall finish
- Upgraded T-Grid suspended acoustical ceiling system
- ADA accessible restroom

Exterior Features

- HardiPanel® exterior siding
- Contrasting color HardieTrim®
- Steel clad exterior doors with dead bolt lock
- Dual glazed low "e" exterior windows
- Transverse roof designed to divert drainage away from doors and windows
- Energy efficient white EPDM cool roof

Electrical Features

- 110v duplex receptacles along exterior walls
- Exterior lighting fixtures with independent switching and photocell
- (2) 125 amp electrical panels
- Energy efficient recessed fluorescent lighting fixtures

Heating & Air Conditioning

- Central heating and air conditioning with ducted supply and return air
- Adjustable supply air diffusers for optimal air distribution
- Insulated roof, exterior walls, and floor

Options & Services

- Aluminum handicap access ramp
- Aluminum stairs
- Custom interior configurations
- Eco-friendly options
- Custom exterior paint
- Security bars and screens
- Decorative skirting
- Furnishings

Rent, Lease or Purchase



800.944.3442

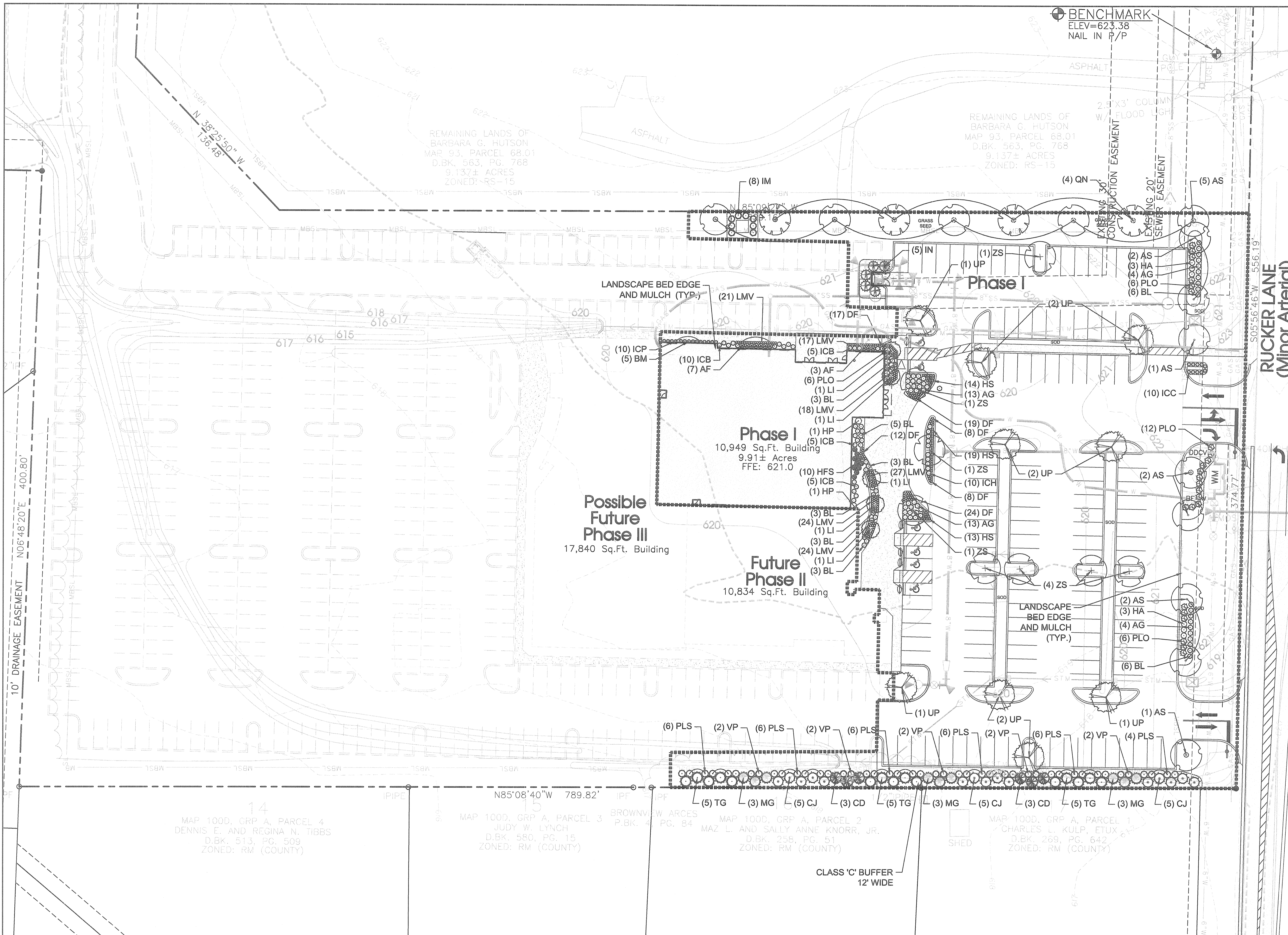
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Attachment F
Portable Photos

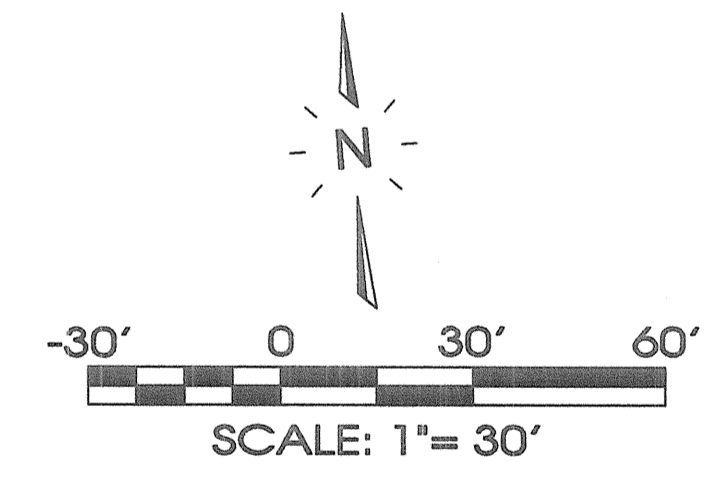




Legend:

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

EXISTING PHONE	PH	PH
EXISTING ELECTRIC	EH	EH
PROPERTY LINE		
EASEMENTS		
RIGHT OF WAY	ROW	ROW
EXISTING TREELINE		
EXISTING FENCELINE		
MINIMUM BUILDING SETBACK LINE	MBSL	MBSL
PHASE BOUNDARY		
EXISTING GAS LINE	GAS	GAS
PROPOSED GAS LINE	GAS	GAS
EXISTING STORM	STM	STM
PROPOSED STORM	STM	STM
EXISTING SANITARY SEWER	SS	SS
PROPOSED SANITARY SEWER	SS	SS
EXISTING WATER	W	W
PROPOSED WATER	W	W



Developer/Applicant:
 River Oaks Community Church
 C/O David Counts
 1308 Cherry Ln.
 Murfreesboro, TN 37130

Floodplain Note:
 This site lies within Zone X, areas determined to be outside the 0.2% annual chance flood plain. FEMA FIRM map #471490255H, Dated Jan. 5, 2007.

Land Data:
 Zoning: RS-15
 10.461± Acres
 Phase 1 Site Area: 2.326± Acres

Building Setbacks:
 Front: 40'
 Side: 12.5'
 Rear: 20'

Deed Reference:
 The property shown hereon is Tax Map 93, Portion Of Parcel 68.01, 13th Civil District, 7th Magisterial District in Rutherford County, as recorded in R.B.K. 563, Pg. 768.

SEC, Inc.
 SITE ENGINEERING CONSULTANTS
 ENGINEERING - SURVEYING - LAND PLANNING
 850 MIDDLE TENNESSEE BOULEVARD
 MURFREESBORO, TENNESSEE 37129
 PHONE: (615) 890-7901 E-MAIL: MTA@SEC-CIVIL.COM FAX: (615) 895-2667
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The site as shown on these construction drawings is intended to achieve specific engineering design criteria and objectives. It is the responsibility of the client to ensure that the design and construction of the project complies with all applicable laws, regulations, and standards. The engineer assumes no administrative liability or responsibility in the assurance that the site is constructed in accordance with the construction plans.

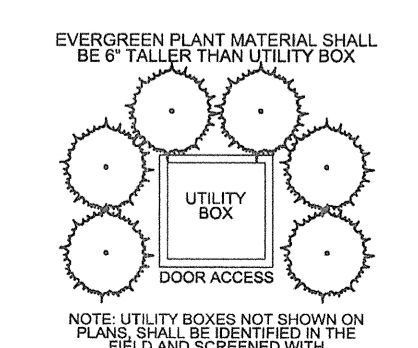
**River Oaks Community Church
 Phase 1
 Murfreesboro, Tennessee**

Phase 1 Landscape Plan

REVISED: 7-20-15 Staff Comments
 9-18-15 Prof. R. Comments, MWSO Comments
 11-21-15 Prof. R. Comments, MWSO Comments

DRAWN: RSM
 DATE: 7-2-15
 CHECKED: RSM
 FILE NAME: 13304projectP1.dwg
 SCALE: 1" = 30'
 JOB NO. 13304
 SHEET:

SEE SHEET 11 FOR LANDSCAPE PLANTING LIST



BZA Minutes
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September 25, 2013

Application Z-13-055 by Mr. Matt Taylor of Site Engineering Consultants, Inc., for River Oaks Community Church, is requesting a special use permit in order to construct an institutional group assembly use (a church) in a Residential Single-Family (RS-15) zone for property located at 151 Rucker Lane.

Mr. Blomeley reviewed the application and the Staff comments contained in the BZA agenda package. If the Board approves this application, Staff recommends the following condition:

- 1) A Type C buffer is required along the southern and western property lines (excluding the area denoted as the “recreation area”). Also, the existing treeline and/or vegetation should be preserved along the northern, southern, and western boundaries of the “recreation area.”

Mr. Halliburton asked what do we do about buffering between this parcel and the parcel to the north.

Mr. Blomeley stated that the existing property owner has a contract with the applicants. The current situation is being created by her sale of the property to the applicants. A buffer, in Staff’s opinion, was not needed along the northern property line.

Mr. Halliburton asked what about buffering in the future.

Mr. Blomeley said there would be no buffer requirement unless the Board required a buffer. The entire tract is currently zoned RS-15 and the zoning ordinance requires buffers based on adjacent zoning districts. In this case with both properties being zoned RS-15, the Board could place a condition of approval that there be a buffer on the church’s property adjacent to the property to the north but absent that and the properties both remaining zoned RS-15 there would be no buffering requirement along that property line.

Mr. Halliburton said he doesn’t think that any buffering is necessary along the proposed north lot line.

Vice-Chairman Young asked if there were any variances needed for the development as proposed.

Mr. Blomeley said no variances have been identified and none are anticipated to be needed. He said the setbacks have all been met. Mr. Blomeley said the zoning ordinance makes provision for ornamental towers of churches to be above the 35’ maximum building height. He said there is a proposed tower feature on the building that is 39’ 8”.

Vice-Chairman Young asked if it was about 50’ from the corner of the building to the residential property line to the south.

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Mr. Blomeley said from the building it is about 90' to the property to the south which was confirmed by Mr. Taylor. Mr. Blomeley said from the building to the property to the west is approximately 300'.

Chairman Rodgers said they are all sensitive about churches in residential areas. He verified that this is a one-story building.

Mr. Blomeley said yes.

Chairman Rodgers verified we are approving nothing closer than 90' to the property line. Chairman Rodgers asked the width of the buffer.

Mr. Blomeley said a Type-C buffer would be 12' wide.

Chairman Rodgers verified there will be quite a bit of parking between the buffer and the building.

Mr. Blomeley said there would be a driveway aisle with parking on both sides.

Ms. King asked how much space there is between the building and the north side property line.

Mr. Blomeley said it appears to be about equidistant from both side property lines.

Mr. Taylor said it is basically the same on both sides.

Mr. Blomeley verified with Mr. Taylor that the building would be one-story.

Mr. Taylor said yes, one-story with the architectural tower feature.

Mr. Blomeley also verified the auditorium would be approximately 28' – 29' tall.

Mr. Taylor said yes.

Ms. King asked if Phase II would include the auditorium.

Mr. Taylor said each phase includes a little bit of the auditorium. He said Phase I has about 350 seats and Phase II would add to that same auditorium and when Phase III is built, they would actually move the entire auditorium to the back and then repurpose the front.

Chairman Rodgers asked if there would be any childcare.

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Mr. Taylor said there will be a Mother's Day Out once a week.

Chairman Rodgers asked about parking lot lighting.

Mr. Taylor said the parking lot lighting fixtures will be less than the 20' tall and they will not shed any light across the property line per the photometric plan.

Ms. King asked Mr. Taylor to explain the sound proposed to come out of the outdoor speakers. She asked for assurances that the speakers won't be heard by the neighborhood. She asked how the church would make those assurances.

Mr. Taylor said they want the volume at the entrance to be low-key and tranquil. There would not be any speakers in the parking lot. The entrances are 90' – 100' away from the property line itself. There is vegetation and buffers and the cars will break up the sound.

Ms. King asked if the speakers will play the same music outside that is occurring on the inside.

Mr. Taylor said he thinks it would be a recording of some kind from a speaker coming out of the roof structure.

Ms. King asked if this music would be separate from the auditorium sound system.

Mr. Taylor said yes, it will be a completely separate system. It would not play preaching. He said it would probably be turned off after the influx of people entered the building.

Ms. King asked if Sunday morning would be the only anticipated use for these speakers.

Mr. Taylor said yes.

Chairman Rodgers opened the public hearing.

Mr. Charles Culp, 3412 Birchwood Circle, said he is located at the southeast corner of the property. Mr. Culp said his major concern was the flooding potential because his property is low compared to that property. His eastern property line is along Rucker Lane. He said there is about a 3 ½ foot drop from the surface of Rucker to his side lot line. There is another foot to 2-foot rise between his property and the church's property. He said the church's property will be all hard surface as opposed to the agricultural use that is there now. The ground absorbs rain now. Mr. Culp stated that the area mentioned for the recreation area is a retention pond for the drainage for Birchwood Circle. He is worried about adequate drainage and protection for his property and his neighbor's property.

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Ms. Regina Tibbs, 3442 Birchwood Circle, said that she is located at the very rear end of Birchwood Circle. She said as far as having change take place, she is not opposed to the proposed scenario, but just as Mr. Culp described, her property is lower than his at the lowest point. In the eleven years she has lived there, they have been flooded anytime there was a hard and fast rain. She has been to the County and talked about a ditch that was never dug when the subdivision was completed. The County finally dug the ditch and the water flows to the retention pond which Mr. Hutson used as a cattle pond. If that pond area, which will become their pavilion and entertainment area, is hard surfaced to where the ground does not soak it up, they will flood along with eight other people along Cottonwood and Meadowwood. Ms. Tibbs was also concerned about the following higher taxes and annexation. She also mentioned that she is concerned about privacy and the buffering that will be required. Also, with respect to building location and its impact on the neighborhood, she said that 90' is not very far. She said that he is also concerned about being in a flood zone as a result of the development. Lastly, she said that she has concerns regarding traffic. She said Rucker Lane is a very high, two lane road with no shoulder.

Mr. Max Knorr, 3422 Birchwood Circle, said he lives next door to Mr. Culp. Mr. Knorr said the church building is proposed to be 90' from his lot line. He is glad the trees along that lot line are going to be removed. Mr. Knorr asked the width and type of the proposed buffer.

Mr. Blomeley said a Type-C 12' wide buffer is proposed.

Mr. Knorr asked what would go between the 12' buffer and the building. He asked when Rucker Road is proposed to be widened as the traffic is also a concern of his. He commented there are two entrances off of Rucker Road onto a two-lane street.

Mr. Blomeley said the area between the building and the property line will consists of a 12' buffer, as well as about 80' of parking, sidewalk, and landscaping between the buffer and the building.

Chairman Rodgers reiterated Mr. Blomeley's previous statement.

Mr. Blomeley corrected his earlier statement and said that there will be approximately 60' – 65' of parking as opposed to the 80' he stated earlier.

Chairman Rodgers asked the height of the buffer.

Mr. Blomeley asked if he wanted the height of the buffer at the time of planting.

Chairman Rodgers said yes and asked if there was a height requirement for the buffer.

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Mr. Blomeley said the Board could put a minimum height on the planting materials as a condition of approval but that he would have to look in the Zoning Ordinance to see if there is a minimum height required at the time of planting.

Mr. Ives said he believes there is a minimum caliper size for the trees in the buffer. Whatever size that is, there will be some corresponding height. He said you can't plant a 25' tall tree. Mr. Ives asked Mr. Taylor if there was already a tree-line there.

Mr. Taylor said there is a treeline currently there and it will be supplemented with evergreen material with will be at least 6' tall.

Mr. Ives said that in the special use permit process, they are focused mainly on the use. He said assuming this gets approved today, and then sometime within the next few weeks or months, the applicants will be coming back with a detailed site plan. That detailed site plan will be studied very hard by a number of City staff from the Planning, Engineering, Codes, Urban Environmental, and Fire Departments. Mr. Ives said they will be looking at the site design to make sure they do not make a situation worse for the neighbors but instead improve it by channeling the water from this site to go somewhere besides the neighbor's back yards. Mr. Ives said the applicant will probably be made to do some improvements to construct some turn lanes off of Rucker Lane. Mr. Ives said Rucker Lane, which will be a City project, has been mostly designed but he is not sure when it will be constructed. The plans are to make Rucker Lane into a 3-lane so there will be a continuous center turn lane.

Mr. Joe Meshotto, 137 Cottonwood Drive, stated his property backs up to the recreation area. He is glad the church is buying the property as he was concerned about apartments coming in. He said that he is concerned about the flooding. He said there is a drainage ditch that runs beside his house and goes back to the recreation area. He said all of that has flooded in the past. He has seen water go into the duplexes located on Franklin Road. He said that water in the back yards of those duplexes backed-up onto his property. He said the drainage ditch is all grown up with trees, so it needs to be cleaned out so it can drain properly, unless they are going to take the drainage somewhere else. He said there was flooding in Birchwood Circle until the County finally dug the ditch to get the water to the retention pond. Mr. Meshotto said they are adding 580 asphalt parking spaces which will take away from the drainage capability. Mr. Meshotto asked if the northern part of the property would remain RS-15.

Mr. Blomeley said there is no pending zoning request for the northern portion of that property. He said it is unknown whether or not someone in the future might come to the City with a zoning request.

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Mr. Gary Pratt, 714 Penn Court, said that he is not speaking for or against this application but rather making a comment. He said these problems came up with another church in the past near his house. He suggested the BZA consider the three phases one at a time and not grant them all at once. He said if something goes wrong with the drainage plan, it will have some way of coming back and being addressed by the Board.

Chairman Rodgers asked Mr. Pratt if he is referring to the church on Cason Lane.

Mr. Pratt said yes.

Mr. Culp spoke to the BZA once again. He referred to the height of the church building as well as the distance to the property line to the south. He asked the Board to think of the dimensions and how close this development would be to the neighbors and the potential that it has for disruption with the flooding, noise, traffic, and lighting.

Ms. Tibbs spoke to the BZA once again. She said that blasting in the area has caused her windows to rattle, so she is concerned about blasting so close to her house. With respect to the buffer, she requested more mature, possible 10' trees and fast growing evergreen materials be installed in the buffer.

There being no one else to speak for or against the request, Chairman Rodgers closed the public hearing.

Vice-Chairman Young said that Mr. Taylor seems to have addressed the drainage issue as best he could. Realizing there is a drainage problem in this area, he wanted to know what the process would be for the residents to be satisfied that the drainage plan will work.

Mr. Taylor said one good thing is it is in three phases. He said Phase I and II may happen fairly close together but Phase III is a longer term project. Mr. Taylor said they would have to go back to Planning Commission three separate times for each one of those phases. Assuming they are five years down the road, in Phase III, the Planning Commission would be able to see if the job was done correctly. With the current plan, they will redirect almost all the water that goes to the south now, toward the existing pond that is there. Mr. Taylor said Mr. Culp and Ms. Tibbs would see relief in the run-off to their property. Mr. Taylor said they should be helping that situation. They have no intention of getting rid of the pond; they will actually make the pond bigger.

Mr. Blomeley said if residents do see a negative impact, they would be encouraged to contact the City Engineering Department. They are also encouraged to contact the Engineering Staff when the site plan is submitted for Planning Commission review. He said the engineers on staff will scrutinize the drainage plans to ensure there is no negative impact on the surrounding property owners. Mr. Blomeley said if something occurs out in the field that is different from what Mr. Taylor depicts on the plan, then those

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neighbors would be encouraged to call the Engineering Department and have them look into the situation.

Mr. Taylor said some of Mr. Culp's issues would be resolved once the road is widened. He said the City has a plan to drain that area, as right now it is a low area. He said that there is an existing stub street in Victory Village where the City has already stubbed a large diameter pipe at the end of that road that would get extended over once it gets built to be able to drain this front part of the property to the east of Mr. Culp's property. Mr. Taylor said he also contacted the County Engineering Department to get historical information on the drainage in the area.

Chairman Rodgers said, having gone through the experience with the church on Cason Lane, he is uneasy about approving the project in its entirety. He asked if there was a downside to approving it in phases.

Mr. Taylor said the church would like some kind of assurance they would be able to build its vision there. He said they were looking at the Planning Commission and going back there three separate times as maybe that could be a quality control mechanism. Mr. Taylor also mentioned the building height (for the auditorium) is 29' and the building does have variation in its roof line. That is done to create some architectural interest and make it appealing to the eye rather than just a blank single parapet wall. It will contain some of the same elements that are out in the Gateway.

Chairman Rodgers asked Mr. Blomeley if the church ever wanted to expand beyond what is included in this application, a more extensive childcare operation for example, would they still be required to come back to the BZA.

Mr. Blomeley said yes, right now they have only identified childcare one day a week. If they wanted to expand that, it would require an amendment to the special use permit if this is approved. He also said if there were other similar accessory uses, a mission for example, that would also require an amendment to the special use permit. How they develop the property and how they use the property would need to be consistent with this application today.

Vice-Chairman Young asked if the residents would have an opportunity to address the Planning Commission during site plan review, if there are issues with a previous phase.

In addressing concerns regarding buffering, Mr. Blomeley said the BZA has the option of requiring buffering as part of the special use permit approval. The City Urban Environmental department would be responsible for ensuring that the buffer meets those minimum requirements. The Board also has the option of conditioning approval on buffering requirements above and beyond what is required for a standard buffer type (e.g., height of plantings). Mr. Blomeley mentioned that a Type E buffer, which is the

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most intense buffer, is what you would see between an industrial zoning district and a single-family residence zoning district. He said a Type-C buffer, which is what is proposed here, is what would be between a multi-family residential zoning district and a single-family residential zoning district. In addressing Vice-Chairman Young's question, Mr. Blomeley said when it goes back to the Planning Commission for site plan approval; technical items such as drainage are addressed at that time. He added that the special use permit is authorizing the use of the property. Mr. Blomeley said when it goes to the Planning Commission for site plan review, it is more of an exercise in meeting minimum requirements.

Vice-Chairman Young noticed that the landscape plan has the large trees to remain and that it will be supplemented with new trees.

Mr. Blomeley said in many cases where there are existing trees on a property line, it is preferable if keep those existing trees if are healthy.

Ms. King asked if, instead of just relying on Planning Commission, the BZA approves this in phases and just approved Phase I today, would the BZA be able to impose stricter conditions when the church comes back for Phase II.

Mr. Blomeley said if the Board were to only approve Phase I, they would have to come back to the Board of Zoning Appeals for another special use permit for Phase II. He said the Board could place appropriate conditions with each phase but that he doesn't know if they could retroactively impose conditions on Phase I when the church comes back to the BZA for approval for Phase II.

Ms. King verified that appropriate conditions would be reviewed as needed.

Mr. Blomeley said yes.

Vice-Chairman Young is weighing back and forth the need to really be restrictive as far as approving it in phases. If what the BZA is trying to accomplish is an opportunity for neighborhood input, would Planning Commission site plan review make provisions for this input?

Mr. Ives said normally the site plan approval is not a public hearing process. Public notice of the meeting and the meeting agenda is published. The person who is aware of that is free to call the staff and call Planning Commissioners and register a complaint that way, but there would not be a public hearing at the meeting, as there would be if they were asking to rezone the property to some other use. The site plan review process does not have a public hearing component to it, which an application to the Board of Zoning Appeals does.

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September 25, 2013

Vice-Chairman Young said given the relationship between these neighbors, it may make sense for this project to be approved by the BZA in Phases.

Mr. Taylor asked if they do approve it in Phases, to approve Phases I and II together and they would defer Phase III to a later time.

Ms. King asked how quickly they plan to build Phase II after Phase I.

Mr. Taylor said as quick as the need arises and the church sees that it could.

Ms. King asked if that was six months after Phase I is complete or would it be three years, stating that is a big difference.

Pastor John Shepard said he wished he knew the answer to that question. He said all three of these phases are just trying to be good faith neighbors stating they are still trusting that God will continue to grow the church. He said right now the church is around 350.

Ms. King said there is a big difference for neighbors between six months and three years with respect to possible drainage consequences. She wants the church to have the opportunity to tell the Board their plans, as they may change, as well as the neighbors to give the Board their input.

Pastor Shepard agreed and requested Phase I and II be approved together today.

Vice-Chairman Young said there is a Phase I section of the parking and Phase II.

Mr. Taylor said there may be a few small changes to the phasing.

Mr. Blomeley referred to the recreation area that is currently shown in the Phase III and asked if it would remain in Phase III.

Mr. Taylor said the pavilion would possibility happen with Phase I. The church doesn't have a certain timeframe for the pavilion. The rest of that out there is really unimproved area. It is going to be the detention area and depending on the building pad situation, they may actually pull all the dirt out of there for the entire development during Phase I to build the building pad, if it is suitable dirt. He said all of the stormwater improvements could possibility be done with Phase I or Phase II.

Vice-Chairman Young verified with Mr. Taylor if he thinks most of the stormwater work would need to happen with Phase I.

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Mr. Taylor said it would not have to happen in Phase I but he could see that if they are going to be scavenging dirt out of that area, it makes sense if it is good dirt to use it to build the building pad or part of the parking lot. Instead of disturbing the area over and over, it would make more sense to go ahead and do all of that excavation in Phase I and move that dirt to where it is going to ultimately be used on site.

Ms. King verified that Mr. Taylor was referring to removing dirt from where the retention pond is and making it deeper.

Mr. Taylor said yes, from where the existing pond is and making it larger -- not necessarily deeper, but maybe wider. He said all of that would be driven by the stormwater calculations that would take place at the Planning Commission stage. Mr. Taylor said they looked at the May 2010 flood photo and said the water got up into the back of the duplexes along Franklin Road. They don't want to endanger the neighbors or make that situation any worse and will improve it if they can.

Ms. King said she would like to add a condition regarding the sound be added if a motion for approval is made. She wants to make sure the sound is exclusive to the outdoor area and that it will not affect the neighbors.

Vice-Chairman Young asked if there are ordinances that would address this situation if noise becomes an issue.

Mr. Taylor said if the neighbors can hear the noise, the applicants are in violation of their special use permit.

Mr. Blomeley said the ordinance says that, "The application for a special use permit for an institutional group assembly use shall indicate any intentions for the use of systems for external broadcast of speech, music or other sounds. If such are proposed, the applicant shall indicate the times of day and duration of their proposed use. The BZA shall have the authority to place restrictions upon their use in order to minimize excessive noise intruding upon neighboring property, especially those zoned or used for residential purposes. In no event should the BZA approve the use of such which would be in violation of the City Code or ordinances regulating noise. BZA approval does not constitute a waiver of any City Code or ordinances regulating noise." Mr. Blomeley said Mr. Taylor has attempted to identify the external speakers in his answer to this particular standard. With regards to any additional noise, including any noise coming from within the sanctuary or any music occurring inside the building, the church will be subject to the City's noise ordinance, which is enforced by the Murfreesboro Police Department.

Ms. King said such noise would be outside of what the church has proposed in this application.

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Mr. Blomeley said regardless if it is on this property or if it is on any property in the city limits, any noise that is in violation of the City's noise ordinance would be subject to enforcement by MPD. He said what that standard attempts to say is that BZA approval does not constitute a waiver of any City Code or Ordinances regulating noise.

Ms. King said there is no need for the BZA to have an additional condition because within their application they have addressed this issue.

Ms. Blomeley said yes, it was in their application.

Ms. King asked if that would be a separate sound system and not a sound system from the main auditorium.

Mr. Taylor said they didn't specify that it would be a separate sound system but they will gladly write a letter to clarify that. Mr. Taylor said as far as assurances on stormwater and landscaping, the City's inspection process is very stringent. In addition, before the City will even go inspect a site, the design engineer must confirm that it has been constructed properly per the plan. Mr. Taylor said the City has a dedicated Stormwater Inspector that visits the site weekly during the construction process to monitor those things. In addition, any required buffers must be perpetually maintained.

Mr. Blomeley said that is correct, the buffers are required to be maintained perpetually to meet the requirements. If a Type-C buffer is required, the Type-C buffer will be required in perpetuity. Mr. Blomeley said if there is a failure in the buffer, the City will take action to make sure it is brought into compliance.

Vice-Chairman Young made a motion to approve the special use permit for Phase I, Phase II, and the recreation area only with the following condition:

- 1) A Type C buffer is required along the southern and western property lines (excluding the area denoted as the "recreation area"). Also, the existing treeline and/or vegetation should be preserved along the northern, southern, and western boundaries of the "recreation area."**

The motion was seconded by Ms. King and carried unanimously in favor.

Staff Reports and Other Business

a) Continuing Education Update from Mr. Robert Lewis, Staff Planner

Mr. Lewis had an update of Public Chapter 862, Continuing Education. He said there are three teleconferences left for this calendar year in order to get the required number of hours. He handed out a teleconference schedule for the three remaining teleconferences of 2013.

September 26, 2013

Site Engineering Consultants
Attn: Mr. Matt Taylor
850 Middle Tennessee Blvd.
Murfreesboro, TN 37129

Mr. David Counts
River Oaks Community Church
1308 Cherry Ln.
Murfreesboro, TN 37129

RE: Z-13-055 – 151 Rucker Lane

Dear Mr. Taylor and Mr. Counts:

Please be advised that at its regular meeting held on September 25, 2013 the Murfreesboro Board of Zoning Appeals voted to approve your request for a special use permit in order to construct an institutional group assembly use (a church) in a Residential Single-Family (RS-15) zone for property located at 151 Rucker Lane. Please note that approval was for Phase I, Phase II, and the recreation area only and was made subject to the following condition:

- 1) A Type C buffer is required along the southern and western property lines (excluding the area denoted as the “recreation area”). Also, the existing treeline and/or vegetation should be preserved along the northern, southern, and western boundaries of the “recreation area.”

Please keep a copy of this letter as evidence of the Board’s action. If you have any questions, please contact me at (615)-893-6441.

Sincerely,

Matthew Blomeley
Principal Planner

cc: Building and Codes Department

bd