

MURFREESBORO CITY COUNCIL
Regular Meeting Agenda
Council Chambers – City Hall – 7:00 PM
July 25, 2019

PRAYER

Vice Mayor Madelyn Scales Harris

PLEDGE OF ALLEGIANCE

Consent Agenda

1. Taxiway F Area Development Grant (Airport)
2. Mandatory Referral for Abandonment of a Drainage and Detention Easement north of Joe B. Jackson Parkway (Planning)

New Business

Land Use Matters

3. Resolution 19-R-17, Fee for Zoning Verification Letters (Planning)
4. Ordinance 19-OZ-23: Rezoning of approximately 85.6 acres and 83 acres, respectively, along Lee Lane (Planning)
 - a. Public Hearing
 - b. First Reading on Ordinance 19-OZ-23
5. Ordinance 19-OZ-20: Rezoning for approximately 3.1 acres along Shelbyville Pike (Planning)
 - a. Public Hearing
 - b. First Reading on Ordinance 19-OZ-20
6. Ordinance 19-OZ-21: Rezoning approximately 20.06 acres located along New Salem Highway and Middle Tennessee Blvd. (Planning)
 - a. Public Hearing
 - b. First Reading on Ordinance 19-OZ-21
7. Ordinance 19-OZ-22: Rezoning approximately 14.99 acres located along New Salem Highway (Planning)
 - a. Public Hearing
 - b. First Reading on Ordinance 19-OZ-22

On Motion

8. Ordinance 19-O-19, Proposed Changes to City Code Section 11-4 regarding Electrical Contractor Licensing (Building & Codes)
9. Ordinance 19-O-18, establishing Parks and Recreation Commission oversight of St. Clair Street Senior Center (Community Services)
10. HVAC Preventative Maintenance Contract (Facilities)
11. Condemnation of Sanitary Sewer Easement, Armstrong Valley Road Sewer Project (Water Resources)

Licensing

Board & Commission Appointments

Payment of Statements

Other Business

Adjournment

COUNCIL COMMUNICATION

Meeting Date: 7/25/2019

Item Title: Taxiway F Area Development Grant

Department: Airport

Presented by: Chad Gehrke, Airport Manager

Requested Council Action:

Ordinance	<input type="checkbox"/>
Resolution	<input type="checkbox"/>
Motion	<input checked="" type="checkbox"/>
Direction	<input type="checkbox"/>
Information	<input type="checkbox"/>

Summary

Tennessee Aeronautics Division award of \$127,500 Grant for the final design of the Taxiway F Area Development.

Staff Recommendation

Approve the Grant for the final design of the Taxiway F Area Development.

Background Information

Over the last four years the Murfreesboro Municipal Airport has been developing the area north of the MTSU Airport Campus installing various utilities and the initial stub of Taxiway F. ATKINS North America, the Airport's engineering and consulting firm, has been coordinating with the City and TDK during the construction of the TDK Hangar designing the initial layout of various size hangars, apron areas, taxiways, and the associated utilities to serve this area of the airport.

With the completion of the TDK Hangar, with a list of over 30 people on the T-hangar Waiting List, and a number of aircraft owners interested in Land Lease Agreements to build their own hangars, it is essential that the Airport complete the final design of this area. These plans will greatly assist the Airport as they budget, plan, and coordinate the construction of this area of the airport.

Council Priorities Served

Strong and Sustainable Financial and Economic Health T

This Grant will greatly assist in budgeting and scheduling of the construction of various facilities on the north end of the Airport. The rent from these future hangars will pay off any debt service and eventually supplement the Airport Fund.

Excellent Services with a Focus on Customer Service

Improvement of Airport facilities allows the City to provide excellent customer service to Airport tenants and customers and meet customer hangar demands.

Fiscal Impacts

The Grant covers 95% of the cost of the design and engineering cost up to \$127,500.

Operational Issues

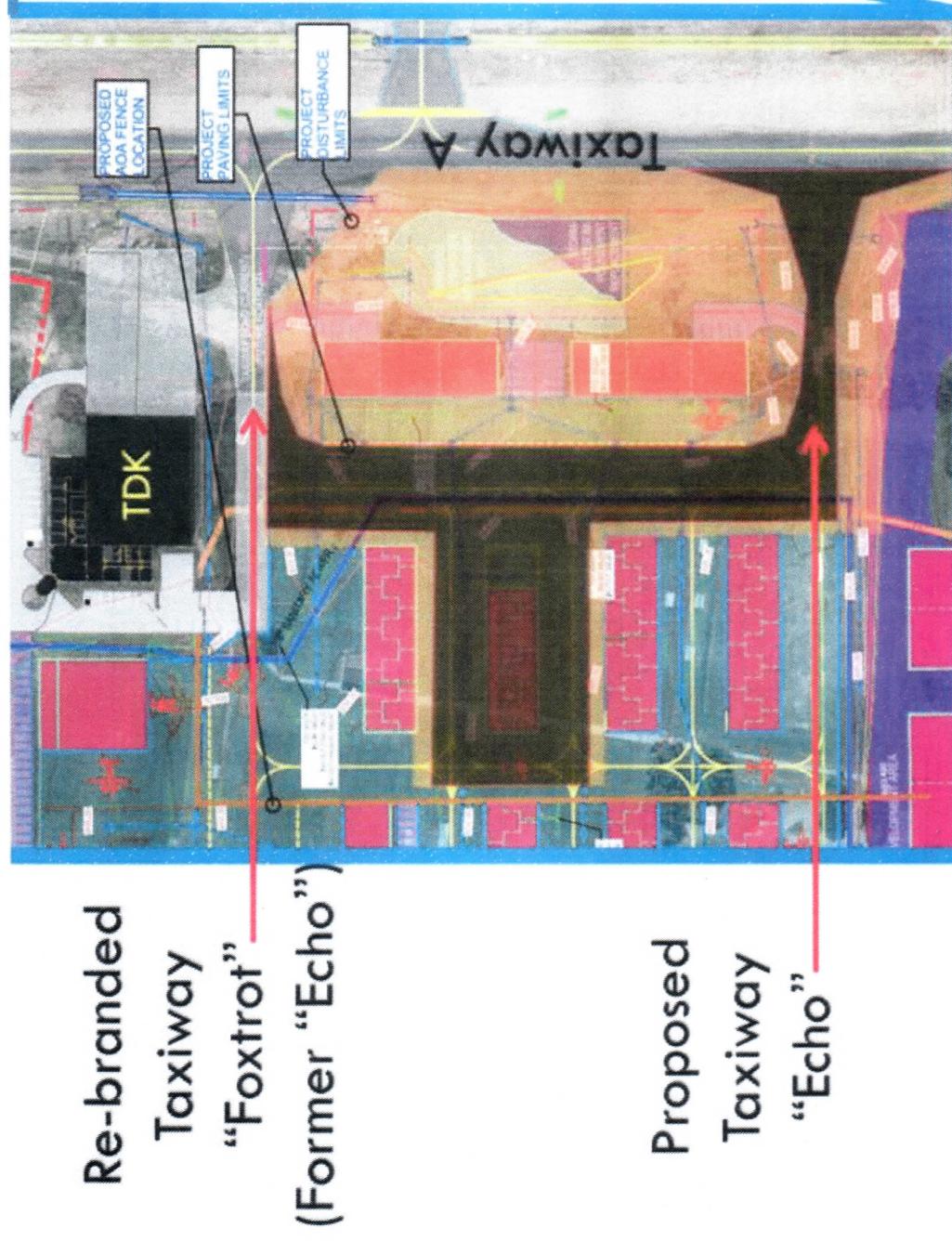
The final design of the construction plans created through this Grant will assist in identifying safe, efficient, and effective means to develop this area of the Airport over the next several years.

Attachments:

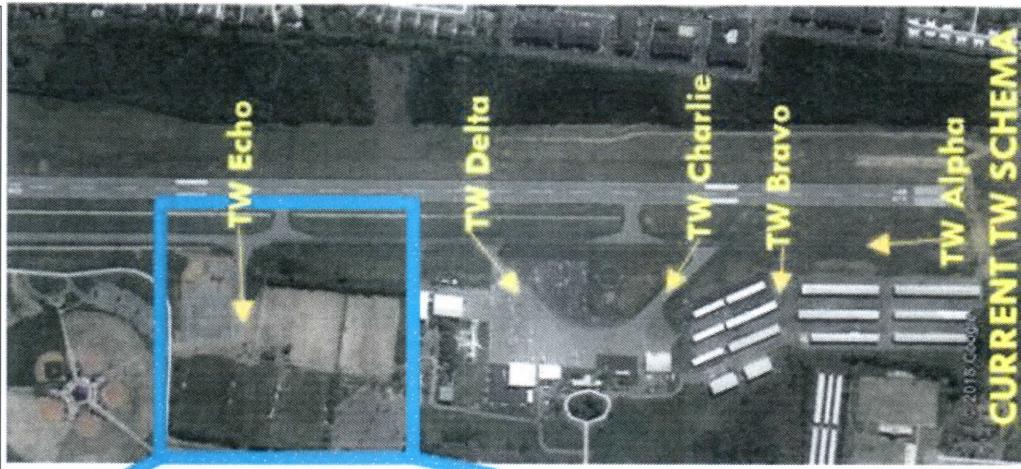
- 1) Map of Taxiway F Development Area
- 2) Taxiway F Area Development Grant

MAP OF TAXIWAY F DEVELOPMENT AREA

TAXIWAY F DEVELOPMENT AREA AREA IN ORANGE TO BE ENGINEERED



AIRPORT TAXIWAY F IN BLUE BOX





GOVERNMENTAL GRANT CONTRACT

(cost reimbursement grant contract with a federal or Tennessee local governmental entity or their agents and instrumentalities)

Begin Date 7/1/2019	End Date 6/30/2021	Agency Tracking # 40100-00420	Edison ID 61679																																										
Grantee Legal Entity Name City of Murfreesboro			Edison Vendor ID 4110																																										
Subrecipient or Contractor <input checked="" type="checkbox"/> Subrecipient <input type="checkbox"/> Contractor	CFDA # 20.106																																												
	Grantee's fiscal year end – June 30																																												
Service Caption (one line only) Taxiway F Area Development																																													
Funding — <table border="1"> <thead> <tr> <th>FY</th> <th>State</th> <th>Federal</th> <th>Interdepartmental</th> <th>Other</th> <th>TOTAL Grant Contract Amount</th> </tr> </thead> <tbody> <tr> <td>2020</td> <td>\$6,375.00</td> <td>\$114,750.00</td> <td></td> <td>\$6,375.00</td> <td>\$127,500.00</td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>TOTAL:</td> <td>\$6,375.00</td> <td>\$114,750.00</td> <td></td> <td>\$6,375.00</td> <td>\$127,500.00</td> </tr> </tbody> </table>				FY	State	Federal	Interdepartmental	Other	TOTAL Grant Contract Amount	2020	\$6,375.00	\$114,750.00		\$6,375.00	\$127,500.00																									TOTAL:	\$6,375.00	\$114,750.00		\$6,375.00	\$127,500.00
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Budget Officer Confirmation: There is a balance in the appropriation from which obligations hereunder are required to be paid that is not already encumbered to pay other obligations.		CPO USE - GG																																											
Speed Chart (optional)	Account Code (optional) 71302																																												

VENDOR ADDRESS: 5

LOCATION CODE: MURFRE-002

**GRANT CONTRACT
BETWEEN THE STATE OF TENNESSEE,
DEPARTMENT OF TRANSPORTATION
AND
CITY OF MURFREESBORO**

This grant contract ("Grant Contract"), by and between the State of Tennessee, Department of Transportation, hereinafter referred to as the "State" or the "Grantor State Agency" and City of Murfreesboro, hereinafter referred to as the "Grantee," is for the provision of airport development, as further defined in the "SCOPE OF SERVICES AND DELIVERABLES."

Grantee Edison Vendor ID # 4110

A. SCOPE OF SERVICES AND DELIVERABLES:

- A.1. The Grantee shall provide the scope of services and deliverables ("Scope") as required, described, and detailed in this Grant Contract.
- A.2. The purpose of this Grant shall be to sponsor a project for the further development of a public airport under Tennessee Code Annotated 42-2-203 and the Airport and Airway Improvement Act of 1982, Title 49 of the United States Code or Tennessee Code Annotated 4-3-2313 and 2314, Aeronautics Economic Development Fund. Pursuant to these provisions, the State shall be designated as the party to apply for, receive, and disburse all funds to be used in the payment of the costs of said project or as reimbursement of costs incurred. The Grantee shall be a recipient of funds from the State Transportation Equity Fund and/or Federal Airport Improvement Program, and/or Aeronautics Economic Development Fund, and shall undertake an airport improvement project.
- A.3. Incorporation of Additional Documents. Each of the following documents is included as a part of this Grant Contract by reference or attachment. In the event of a discrepancy or ambiguity regarding the Grantee's duties, responsibilities, and performance hereunder, these items shall govern in order of precedence below.
 - a. this Grant Contract document with any attachments or exhibits (excluding the items listed at subsections b. and c., below);
 - b. the State grant proposal solicitation as may be amended, if any;
 - c. the Grantee's proposal **Attachment One** incorporated to elaborate supplementary scope of services specifications.
- A.4. Incorporation of Federal Award Identification Worksheet. The federal award identification worksheet, which appears as **Attachment Two**, is incorporated in this Grant Contract.

B. TERM OF CONTRACT:

- B.1. This Grant Contract shall be effective on **July 1, 2019** ("Effective Date") and extend for a period of **TWENTY-FOUR (24) months** after the Effective Date ("Term"). The State shall have no obligation to the Grantee for fulfillment of the Scope outside the Term.
- B.2. Renewal Options. This Grant Contract may be renewed upon satisfactory completion of the Term. The State reserves the right to execute up to THREE (3) renewal options under the same terms and conditions for a period not to exceed twelve (12) months each by the State, at the State's sole option. In no event, however, shall the maximum Term, including all renewals or extensions, exceed a total of sixty (60) months.

C. PAYMENT TERMS AND CONDITIONS:

C.1. **Maximum Liability.** In no event shall the maximum liability of the State under this Grant Contract exceed **One Hundred Twenty-Seven Thousand Five Hundred Dollars and No Cents (\$127,500.00)** ("Maximum Liability"). The Grant Budget, attached and incorporated as **Attachment Three** is the maximum amount due the Grantee under this Grant Contract. The Grant Budget line-items include, but are not limited to, all applicable taxes, fees, overhead, and all other direct and indirect costs incurred or to be incurred by the Grantee.

C.2. **Compensation Firm.** The Maximum Liability of the State is not subject to escalation for any reason unless amended. The Grant Budget amounts are firm for the duration of the Grant Contract and are not subject to escalation for any reason unless amended, except as provided in Section C.6.

C.3. **Payment Methodology.** The Grantee shall be reimbursed for actual, reasonable, and necessary costs based upon the Grant Budget, not to exceed the Maximum Liability established in Section C.1. Upon progress toward the completion of the Scope, as described in Section A of this Grant Contract, the Grantee shall submit invoices prior to any reimbursement of allowable costs.

C.4. **Travel Compensation.** Reimbursement to the Grantee for travel, meals, or lodging shall be subject to amounts and limitations specified in the "State Comprehensive Travel Regulations," as they are amended from time to time, and shall be contingent upon and limited by the Grant Budget funding for said reimbursement.

C.5. **Invoice Requirements.** The Grantee shall invoice the State no more often than monthly, with all necessary supporting documentation, and present such to:

Department of Transportation-Aeronautics Division
aero.grants@tn.gov

a. Each invoice shall clearly and accurately detail all of the following required information (calculations must be extended and totaled correctly).

- (1) Invoice/Reference Number (assigned by the Grantee).
- (2) Invoice Date.
- (3) Invoice Period (to which the reimbursement request is applicable).
- (4) Grant Contract Number (assigned by the State).
- (5) Grantor: Department of Transportation-Aeronautics Division
- (6) Grantor Number (assigned by the Grantee to the above-referenced Grantor).
- (7) Grantee Name.
- (8) Grantee Tennessee Edison Registration ID Number Referenced in Preamble of this Grant Contract.
- (9) Grantee Remittance Address.
- (10) Grantee Contact for Invoice Questions (name, phone, or fax).
- (11) Itemization of Reimbursement Requested for the Invoice Period— it must detail, at minimum, all of the following:
 - i. The amount requested by Grant Budget line-item (including any travel expenditure reimbursement requested and for which documentation and receipts, as required by "State Comprehensive Travel Regulations," are attached to the invoice).
 - ii. The amount reimbursed by Grant Budget line-item to date.
 - iii. The total amount reimbursed under the Grant Contract to date.
 - iv. The total amount requested (all line-items) for the Invoice Period.

b. The Grantee understands and agrees to all of the following.

- (1) An invoice under this Grant Contract shall include only reimbursement requests for actual, reasonable, and necessary expenditures required in the delivery of service described by this Grant Contract and shall be subject to the Grant Budget and any other provision of this Grant Contract relating to allowable reimbursements.
- (2) An invoice under this Grant Contract shall not include any reimbursement request for future expenditures.
- (3) An invoice under this Grant Contract shall initiate the timeframe for reimbursement only when the State is in receipt of the invoice, and the invoice meets the minimum requirements of this section C.5.
- (4) An invoice under this Grant Contract shall be presented to the State within sixty (60) days after the end of the calendar month in which the subject costs were incurred or services were rendered by the Grantee. An invoice submitted more than sixty (60) days after such date will NOT be paid. The State will not deem such Grantee costs to be allowable and reimbursable by the State unless, at the sole discretion of the State, the failure to submit a timely invoice is warranted. The Grantee shall submit a special, written request for reimbursement with any such untimely invoice. The request must detail the reason the invoice is untimely as well as the Grantee's plan for Submitting future invoices as required, and it must be signed by a Grantee agent that would be authorized to sign this Grant Contract.

C.6. Budget Line-items. Expenditures, reimbursements, and payments under this Grant Contract shall adhere to the Grant Budget. The Grantee may vary from a Grant Budget line-item amount by up to one percent (1%) of the line-item amount, provided that any increase is off-set by an equal reduction of other line-item amount(s) such that the net result of variances shall not increase the total Grant Contract amount detailed by the Grant Budget. Any increase in the Grant Budget, grand total amounts shall require an amendment of this Grant Contract.

C.7. Disbursement Reconciliation and Close Out. The Grantee shall submit any final invoice and a grant disbursement reconciliation report within sixty (60) days of the Grant Contract end date and in form and substance acceptable to the State.

- a. The Grant Budget specifies a Grantee Match Requirement and the final grant disbursement reconciliation report shall detail all Grantee expenditures recorded to meet this requirement.
 - i. No Grantee expenditure shall be recorded and reported toward meeting a Grantee Match Requirement of more than one grant contract with the State.
 - ii. The final grant disbursement reconciliation report shall specifically detail the exact amount of any Grantee failure to meet a Match Requirement, and the maximum total amount reimbursable by the State pursuant to this Grant Contract, as detailed by the Grant Budget column "Grant Contract," shall be reduced by the amount that the Grantee failed to contribute to the Total Project as budgeted.
- b. If total disbursements by the State pursuant to this Grant Contract exceed the amounts permitted by the section C, payment terms and conditions of this Grant Contract (including any adjustment pursuant to subsection a.ii. above), the Grantee shall refund the difference to the State. The Grantee shall submit the refund with the final grant disbursement reconciliation report.
- c. The State shall not be responsible for the payment of any invoice submitted to the state after the grant disbursement reconciliation report. The State will not deem any Grantee

costs submitted for reimbursement after the grant disbursement reconciliation report to be allowable and reimbursable by the State, and such invoices will NOT be paid.

- d. The Grantee's failure to provide a final grant disbursement reconciliation report to the state as required shall result in the Grantee being deemed ineligible for reimbursement under this Grant Contract, and the Grantee shall be required to refund any and all payments by the state pursuant to this Grant Contract.
- e. The Grantee must close out its accounting records at the end of the contract period in such a way that reimbursable expenditures and revenue collections are NOT carried forward.

C.8. **Indirect Cost.** Should the Grantee request reimbursement for indirect costs, the Grantee must submit to the State a copy of the indirect cost rate approved by the cognizant federal agency or the cognizant state agency, as applicable. The Grantee will be reimbursed for indirect costs in accordance with the approved indirect cost rate and amounts and limitations specified in the attached Grant Budget. Once the Grantee makes an election and treats a given cost as direct or indirect, it must apply that treatment consistently and may not change during the Term. Any changes in the approved indirect cost rate must have prior approval of the cognizant federal agency or the cognizant state agency, as applicable. If the indirect cost rate is provisional during the Term, once the rate becomes final, the Grantee agrees to remit any overpayment of funds to the State, and subject to the availability of funds the State agrees to remit any underpayment to the Grantee.

C.9. **Cost Allocation.** If any part of the costs to be reimbursed under this Grant Contract are joint costs involving allocation to more than one program or activity, such costs shall be allocated and reported in accordance with the provisions of Department of Finance and Administration Policy Statement 03 or any amendments or revisions made to this policy statement during the Term.

C.10. **Payment of Invoice.** A payment by the State shall not prejudice the State's right to object to or question any reimbursement, invoice, or related matter. A payment by the State shall not be construed as acceptance of any part of the work or service provided or as approval of any amount as an allowable cost.

C.11. **Non-allowable Costs.** Any amounts payable to the Grantee shall be subject to reduction for amounts included in any invoice or payment that are determined by the State, on the basis of audits or monitoring conducted in accordance with the terms of this Grant Contract, to constitute unallowable costs.

C.12. **State's Right to Set Off.** The State reserves the right to set off or deduct from amounts that are or shall become due and payable to the Grantee under this Grant Contract or under any other agreement between the Grantee and the State of Tennessee under which the Grantee has a right to receive payment from the State.

C.13. **Prerequisite Documentation.** The Grantee shall not invoice the State under this Grant Contract until the State has received the following, properly completed documentation.

- a. The Grantee shall complete, sign, and return to the State an "Authorization Agreement for Automatic Deposit (ACH Credits) Form" provided by the State. By doing so, the Grantee acknowledges and agrees that, once this form is received by the State, all payments to the Grantee under this or any other grant contract will be made by automated clearing house ("ACH").
- b. The Grantee shall complete, sign, and return to the State the State-provided W-9 form. The taxpayer identification number on the W-9 form must be the same as the Grantee's

Federal Employer Identification Number or Social Security Number referenced in the Grantee's Edison registration information.

D. STANDARD TERMS AND CONDITIONS:

D.1. **Required Approvals.** The State is not bound by this Grant Contract until it is signed by the parties and approved by appropriate officials in accordance with applicable Tennessee laws and regulations (depending upon the specifics of this Grant Contract, the officials may include, but are not limited to, the Commissioner of Finance and Administration, the Commissioner of Human Resources, and the Comptroller of the Treasury).

D.2. **Modification and Amendment.** This Grant Contract may be modified only by a written amendment signed by all parties and approved by the officials who approved the Grant Contract and, depending upon the specifics of the Grant Contract as amended, any additional officials required by Tennessee laws and regulations (the officials may include, but are not limited to, the Commissioner of Finance and Administration, the Commissioner of Human Resources, and the Comptroller of the Treasury).

D.3. **Termination for Convenience.** The State may terminate this Grant Contract without cause for any reason. A termination for convenience shall not be a breach of this Grant Contract by the State. The State shall give the Grantee at least thirty (30) days written notice before the effective termination date. The Grantee shall be entitled to compensation for authorized expenditures and satisfactory services completed as of the termination date, but in no event shall the State be liable to the Grantee for compensation for any service that has not been rendered. The final decision as to the amount for which the State is liable shall be determined by the State. The Grantee shall not have any right to any actual general, special, incidental, consequential, or any other damages whatsoever of any description or amount for the State's exercise of its right to terminate for convenience.

D.4. **Termination for Cause.** If the Grantee fails to properly perform its obligations under this Grant Contract, or if the Grantee violates any terms of this Grant Contract, the State shall have the right to immediately terminate this Grant Contract and withhold payments in excess of fair compensation for completed services. Notwithstanding the exercise of the State's right to terminate this Grant Contract for cause, the Grantee shall not be relieved of liability to the State for damages sustained by virtue of any breach of this Grant Contract by the Grantee.

D.5. **Subcontracting.** The Grantee shall not assign this Grant Contract or enter into a subcontract for any of the services performed under this Grant Contract without obtaining the prior written approval of the State. If such subcontracts are approved by the State, each shall contain, at a minimum, sections of this Grant Contract pertaining to "Conflicts of Interest," "Lobbying," "Nondiscrimination," "Public Accountability," "Public Notice," and "Records" (as identified by the section headings). Notwithstanding any use of approved subcontractors, the Grantee shall remain responsible for all work performed.

D.6. **Conflicts of Interest.** The Grantee warrants that no part of the total Grant Contract Amount shall be paid directly or indirectly to an employee or official of the State of Tennessee as wages, compensation, or gifts in exchange for acting as an officer, agent, employee, subcontractor, or consultant to the Grantee in connection with any work contemplated or performed relative to this Grant Contract.

D.7. **Lobbying.** The Grantee certifies, to the best of its knowledge and belief, that:

- No federally appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal

contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

- b. If any funds other than federally appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this contract, grant, loan, or cooperative agreement, the Grantee shall complete and submit Standard Form-LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.
- c. The Grantee shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into and is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. § 1352.

D.8. Communications and Contacts. All instructions, notices, consents, demands, or other communications required or contemplated by this Grant Contract shall be in writing and shall be made by certified, first class mail, return receipt requested and postage prepaid, by overnight courier service with an asset tracking system, or by email or facsimile transmission with recipient confirmation. All communications, regardless of method of transmission, shall be addressed to the respective party as set out below:

The State:

Richard Vaughn
 Transportation Program Monitor 1
 TN Dept. of Transportation-Aeronautics Division
 607 Hangar Lane, Bldg. 4219
 Nashville, TN 37217
 Telephone: 615-741-3208
 Email: Richard.E.Vaughn@tn.gov

The Grantee:

Shane McFarland, City Mayor
 City of Murfreesboro
 111 West Vine Street
 Murfreesboro, TN 37130
 Email: smcfarland@murfreesborotn.gov
 Telephone # 615-849-2629

A change to the above contact information requires written notice to the person designated by the other party to receive notice.

All instructions, notices, consents, demands, or other communications shall be considered effectively given upon receipt or recipient confirmation as may be required.

D.9. Subject to Funds Availability. This Grant Contract is subject to the appropriation and availability of State or Federal funds. In the event that the funds are not appropriated or are otherwise unavailable, the State reserves the right to terminate this Grant Contract upon written notice to the Grantee. The State's right to terminate this Grant Contract due to lack of funds is not a

breach of this Grant Contract by the State. Upon receipt of the written notice, the Grantee shall cease all work associated with the Grant Contract. Should such an event occur, the Grantee shall be entitled to compensation for all satisfactory and authorized services completed as of the termination date. Upon such termination, the Grantee shall have no right to recover from the State any actual, general, special, incidental, consequential, or any other damages whatsoever of any description or amount.

D.10. Nondiscrimination. The Grantee hereby agrees, warrants, and assures that no person shall be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of this Grant Contract or in the employment practices of the Grantee on the grounds of handicap or disability, age, race, color, religion, sex, national origin, or any other classification protected by federal, Tennessee state constitutional, or statutory law. The Grantee shall, upon request, show proof of nondiscrimination and shall post in conspicuous places, available to all employees and applicants, notices of nondiscrimination.

D.11. HIPAA Compliance. The State and the Grantee shall comply with obligations under the Health Insurance Portability and Accountability Act of 1996 (HIPAA), Health Information Technology for Economic and Clinical Health Act (HITECH) and any other relevant laws and regulations regarding privacy (collectively the "Privacy Rules"). The obligations set forth in this Section shall survive the termination of this Grant Contract.

- a. The Grantee warrants to the State that it is familiar with the requirements of the Privacy Rules and will comply with all applicable HIPAA requirements in the course of this Grant Contract.
- b. The Grantee warrants that it will cooperate with the State, including cooperation and coordination with State privacy officials and other compliance officers required by the Privacy Rules, in the course of performance of this Grant Contract so that both parties will be in compliance with the Privacy Rules.
- c. The State and the Grantee will sign documents, including but not limited to business associate agreements, as required by the Privacy Rules and that are reasonably necessary to keep the State and the Grantee in compliance with the Privacy Rules. This provision shall not apply if information received by the State under this Grant Contract is NOT "protected health information" as defined by the Privacy Rules, or if the Privacy Rules permit the State to receive such information without entering into a business associate agreement or signing another such document.

D.12. Public Accountability. If the Grantee is subject to Tenn. Code Ann. § 8-4-401 *et seq.*, or if this Grant Contract involves the provision of services to citizens by the Grantee on behalf of the State, the Grantee agrees to establish a system through which recipients of services may present grievances about the operation of the service program. The Grantee shall also display in a prominent place, located near the passageway through which the public enters in order to receive Grant supported services, a sign at least eleven inches (11") in height and seventeen inches (17") in width stating:

NOTICE: THIS AGENCY IS A RECIPIENT OF TAXPAYER FUNDING. IF YOU OBSERVE AN AGENCY DIRECTOR OR EMPLOYEE ENGAGING IN ANY ACTIVITY WHICH YOU CONSIDER TO BE ILLEGAL, IMPROPER, OR WASTEFUL, PLEASE CALL THE STATE COMPTROLLER'S TOLL-FREE HOTLINE: 1-800-232-5454.

The sign shall be on the form prescribed by the Comptroller of the Treasury. The Grantor State Agency shall obtain copies of the sign from the Comptroller of the Treasury, and upon request from the Grantee, provide Grantee with any necessary signs.

- D.13. Public Notice. All notices, informational pamphlets, press releases, research reports, signs, and similar public notices prepared and released by the Grantee in relation to this Grant Contract shall include the statement, "This project is funded under a grant contract with the State of Tennessee, Department of Transportation." All notices by the Grantee in relation to this Grant Contract shall be approved by the State.
- D.14. Licensure. The Grantee, its employees, and any approved subcontractor shall be licensed pursuant to all applicable federal, state, and local laws, ordinances, rules, and regulations and shall upon request provide proof of all licenses.
- D.15. Records. The Grantee and any approved subcontractor shall maintain documentation for all charges under this Grant Contract. The books, records, and documents of the Grantee and any approved subcontractor, insofar as they relate to work performed or money received under this Grant Contract, shall be maintained in accordance with applicable Tennessee law. In no case shall the records be maintained for a period of less than five (5) full years from the date of the final payment. The Grantee's records shall be subject to audit at any reasonable time and upon reasonable notice by the Grantor State Agency, the Comptroller of the Treasury, or their duly appointed representatives.

The records shall be maintained in accordance with Governmental Accounting Standards Board (GASB) Accounting Standards or the Financial Accounting Standards Board (FASB) Accounting Standards Codification, as applicable, and any related AICPA Industry Audit and Accounting guides.

In addition, documentation of grant applications, budgets, reports, awards, and expenditures will be maintained in accordance with U.S. Office of Management and Budget's *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*.

Grant expenditures shall be made in accordance with local government purchasing policies and procedures and purchasing procedures for local governments authorized under state law.

The Grantee shall also comply with any recordkeeping and reporting requirements prescribed by the Tennessee Comptroller of the Treasury.

The Grantee shall establish a system of internal controls that utilize the COSO Internal Control - Integrated Framework model as the basic foundation for the internal control system. The Grantee shall incorporate any additional Comptroller of the Treasury directives into its internal control system.

Any other required records or reports which are not contemplated in the above standards shall follow the format designated by the head of the Grantor State Agency, the Central Procurement Office, or the Commissioner of Finance and Administration of the State of Tennessee.

- D.16. Monitoring. The Grantee's activities conducted and records maintained pursuant to this Grant Contract shall be subject to monitoring and evaluation by the State, the Comptroller of the Treasury, or their duly appointed representatives.
- D.17. Progress Reports. The Grantee shall submit brief, periodic, progress reports to the State as requested.
- D.18. Annual and Final Reports. The Grantee shall submit, within three (3) months of the conclusion of each year of the Term, an annual report. For grant contracts with a term of less than one (1) year, the Grantee shall submit a final report within three (3) months of the conclusion of the Term. For grant contracts with multiyear terms, the final report will take the place of the annual report for the final year of the Term. The Grantee shall submit annual and final reports to the Grantor State Agency and the Department of Finance and Administration ("F&A"). Send electronic copies of annual and final reports to F&A at fa.audit@tn.gov. At minimum, annual and final reports shall include: (a) the Grantee's name; (b) the Grant Contract's Edison identification number, Term, and total amount; (c) a narrative section that describes the program's goals, outcomes, successes

and setbacks, whether the Grantee used benchmarks or indicators to determine progress, and whether any proposed activities were not completed; and (d) other relevant details requested by the Grantor State Agency. Annual and final report documents to be completed by the Grantee shall appear on the Grantor State Agency's website or as an attachment to the Grant Contract.

D.19. **Audit Report.** The Grantee shall be audited in accordance with applicable Tennessee law. If the Grantee is subject to an audit under this provision, then the Grantee shall complete **Attachment Four.** When a federal single audit is required, the audit shall be performed in accordance with U.S. Office of Management and Budget's *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*. A copy of the audit report shall be provided to the Comptroller by the licensed, independent public accountant. Audit reports shall be made available to the public.

D.20. **Procurement.** If other terms of this Grant Contract allow reimbursement for the cost of goods, materials, supplies, equipment, or contracted services, such procurement shall be made on a competitive basis, including the use of competitive bidding procedures, where practical. The Grantee shall maintain documentation for the basis of each procurement for which reimbursement is paid pursuant to this Grant Contract. In each instance where it is determined that use of a competitive procurement method is not practical, supporting documentation shall include a written justification for the decision and for use of a non-competitive procurement. If the Grantee is a subrecipient, the Grantee shall comply with 2 C.F.R. §§ 200.317—300.326 when procuring property and services under a federal award.

The Grantee shall obtain prior approval from the State before purchasing any equipment under this Grant Contract.

For purposes of this Grant Contract, the term "equipment" shall include any article of nonexpendable, tangible, personal property having a useful life of more than one year and an acquisition cost which equals or exceeds five thousand dollars (\$5,000.00).

D.21. **Strict Performance.** Failure by any party to this Grant Contract to insist in any one or more cases upon the strict performance of any of the terms, covenants, conditions, or provisions of this Grant Contract is not a waiver or relinquishment of any term, covenant, condition, or provision. No term or condition of this Grant Contract shall be held to be waived, modified, or deleted except by a written amendment signed by the parties.

D.22. **Independent Contractor.** The parties shall not act as employees, partners, joint venturers, or associates of one another in the performance of this Grant Contract. The parties acknowledge that they are independent contracting entities and that nothing in this Grant Contract shall be construed to create a principal/agent relationship or to allow either to exercise control or direction over the manner or method by which the other transacts its business affairs or provides its usual services. The employees or agents of one party shall not be deemed or construed to be the employees or agents of the other party for any purpose whatsoever.

D.23. **Limitation of State's Liability.** The State shall have no liability except as specifically provided in this Grant Contract. In no event will the State be liable to the Grantee or any other party for any lost revenues, lost profits, loss of business, loss of grant funding, decrease in the value of any securities or cash position, time, money, goodwill, or any indirect, special, incidental, punitive, exemplary or consequential damages of any nature, whether based on warranty, contract, statute, regulation, tort (including but not limited to negligence), or any other legal theory that may arise under this Grant Contract or otherwise. The State's total liability under this Grant Contract (including any exhibits, schedules, amendments or other attachments to the Contract) or

otherwise shall under no circumstances exceed the Maximum Liability originally established in Section C.1 of this Grant Contract. This limitation of liability is cumulative and not per incident.

- D.24. **Force Majeure**. "Force Majeure Event" means fire, flood, earthquake, elements of nature or acts of God, wars, riots, civil disorders, rebellions or revolutions, acts of terrorism or any other similar cause beyond the reasonable control of the party except to the extent that the non-performing party is at fault in failing to prevent or causing the default or delay, and provided that the default or delay cannot reasonably be circumvented by the non-performing party through the use of alternate sources, workaround plans or other means. A strike, lockout or labor dispute shall not excuse either party from its obligations under this Grant Contract. Except as set forth in this Section, any failure or delay by a party in the performance of its obligations under this Grant Contract arising from a Force Majeure Event is not a default under this Grant Contract or grounds for termination. The non-performing party will be excused from performing those obligations directly affected by the Force Majeure Event, and only for as long as the Force Majeure Event continues, provided that the party continues to use diligent, good faith efforts to resume performance without delay. The occurrence of a Force Majeure Event affecting Grantee's representatives, suppliers, subcontractors, customers or business apart from this Grant Contract is not a Force Majeure Event under this Grant Contract. Grantee will promptly notify the State of any delay caused by a Force Majeure Event (to be confirmed in a written notice to the State within one (1) day of the inception of the delay) that a Force Majeure Event has occurred, and will describe in reasonable detail the nature of the Force Majeure Event. If any Force Majeure Event results in a delay in Grantee's performance longer than forty-eight (48) hours, the State may, upon notice to Grantee: (a) cease payment of the fees until Grantee resumes performance of the affected obligations; or (b) immediately terminate this Grant Contract or any purchase order, in whole or in part, without further payment except for fees then due and payable. Grantee will not increase its charges under this Grant Contract or charge the State any fees other than those provided for in this Grant Contract as the result of a Force Majeure Event.
- D.25. **Tennessee Department of Revenue Registration**. The Grantee shall comply with all applicable registration requirements contained in Tenn. Code Ann. §§ 67-6-601 – 608. Compliance with applicable registration requirements is a material requirement of this Grant Contract.
- D.26. **Charges to Service Recipients Prohibited**. The Grantee shall not collect any amount in the form of fees or reimbursements from the recipients of any service provided pursuant to this Grant Contract.
- D.27. **No Acquisition of Equipment or Motor Vehicles**. This Grant Contract does not involve the acquisition and disposition of equipment or motor vehicles acquired with funds provided under this Grant Contract.
- D.28. **State and Federal Compliance**. The Grantee shall comply with all applicable state and federal laws and regulations in the performance of this Grant Contract. The U.S. Office of Management and Budget's Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards is available here: http://www.ecfr.gov/cgi-bin/text-idx?SID=c6b2f053952359ba94470ad3a7c1a975&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl
- D.29. **Governing Law**. This Grant Contract shall be governed by and construed in accordance with the laws of the State of Tennessee. The Grantee agrees that it will be subject to the exclusive jurisdiction of the courts of the State of Tennessee in actions that may arise under this Grant Contract. The Grantee acknowledges and agrees that any rights or claims against the State of Tennessee or its employees hereunder, and any remedies arising there from, shall be subject to and limited to those rights and remedies, if any, available under Tenn. Code Ann. §§ 9-8-101 through 9-8-407.
- D.30. **Completeness**. This Grant Contract is complete and contains the entire understanding between the parties relating to the subject matter contained herein, including all the terms and conditions

agreed to by the parties. This Grant Contract supersedes any and all prior understandings, representations, negotiations, or agreements between the parties, whether written or oral.

- D.31. **Severability.** If any terms and conditions of this Grant Contract are held to be invalid or unenforceable as a matter of law, the other terms and conditions shall not be affected and shall remain in full force and effect. To this end, the terms and conditions of this Grant Contract are declared severable.
- D.32. **Headings.** Section headings are for reference purposes only and shall not be construed as part of this Grant Contract.
- D.33. **Iran Divestment Act.** The requirements of Tenn. Code Ann. § 12-12-101, *et seq.*, addressing contracting with persons as defined at Tenn. Code Ann. §12-12-103(5) that engage in investment activities in Iran, shall be a material provision of this Grant Contract. The Grantee certifies, under penalty of perjury, that to the best of its knowledge and belief that it is not on the list created pursuant to Tenn. Code Ann. § 12-12-106.
- D.34. **Debarment and Suspension.** The Grantee certifies, to the best of its knowledge and belief, that it, its current and future principals, its current and future subcontractors and their principals:
 - a. are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any federal or state department or agency;
 - b. have not within a three (3) year period preceding this Grant Contract been convicted of, or had a civil judgment rendered against them from commission of fraud, or a criminal offence in connection with obtaining, attempting to obtain, or performing a public (federal, state, or local) transaction or grant under a public transaction; violation of federal or state antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification, or destruction of records, making false statements, or receiving stolen property;
 - c. are not presently indicted or otherwise criminally or civilly charged by a government entity (federal, state, or local) with commission of any of the offenses detailed in section b. of this certification; and
 - d. have not within a three (3) year period preceding this Grant Contract had one or more public transactions (federal, state, or local) terminated for cause or default.

The Grantee shall provide immediate written notice to the State if at any time it learns that there was an earlier failure to disclose information or that due to changed circumstances, its principals or the principals of its subcontractors are excluded or disqualified, or presently fall under any of the prohibitions of sections a-d.

E. SPECIAL TERMS AND CONDITIONS:

- E.1. **Conflicting Terms and Conditions.** Should any of these special terms and conditions conflict with any other terms and conditions of this Grant Contract, the special terms and conditions shall be subordinate to the Grant Contract's other terms and conditions.

E.2. **Confidentiality of Records.** Strict standards of confidentiality of records and information shall be maintained in accordance with applicable state and federal law. All material and information, regardless of form, medium or method of communication, provided to the Grantee by the State or acquired by the Grantee on behalf of the State that is regarded as confidential under state or federal law shall be regarded as "Confidential Information." Nothing in this Section shall permit Grantee to disclose any Confidential Information, regardless of whether it has been disclosed or made available to the Grantee due to intentional or negligent actions or inactions of agents of the State or third parties. Confidential Information shall not be disclosed except as required or permitted under state or federal law. Grantee shall take all necessary steps to safeguard the confidentiality of such material or information in conformance with applicable state and federal law.

The obligations set forth in this Section shall survive the termination of this Grant Contract.

E.3. **Federal Funding Accountability and Transparency Act (FFATA).**

This Grant Contract requires the Grantee to provide supplies or services that are funded in whole or in part by federal funds that are subject to FFATA. The Grantee is responsible for ensuring that all applicable FFATA requirements, including but not limited to those below, are met and that the Grantee provides information to the State as required.

The Grantee shall comply with the following:

a. **Reporting of Total Compensation of the Grantee's Executives.**

- (1) The Grantee shall report the names and total compensation of each of its five most highly compensated executives for the Grantee's preceding completed fiscal year, if in the Grantee's preceding fiscal year it received:
 - i. 80 percent or more of the Grantee's annual gross revenues from Federal procurement contracts and federal financial assistance subject to the Transparency Act, as defined at 2 CFR 170.320 (and sub awards); and
 - ii. \$25,000,000 or more in annual gross revenues from federal procurement contracts (and subcontracts), and federal financial assistance subject to the Transparency Act (and sub awards); and
 - iii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. § 78m(a), 78o(d)) or § 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>).

As defined in 2 C.F.R. § 170.315, "Executive" means officers, managing partners, or any other employees in management positions.

- (2) Total compensation means the cash and noncash dollar value earned by the executive during the Grantee's preceding fiscal year and includes the following (for more information see 17 CFR § 229.402(c)(2)):
 - i. Salary and bonus.
 - ii. Awards of stock, stock options, and stock appreciation rights. Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.

- iii. Earnings for services under non-equity incentive plans. This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
- iv. Change in pension value. This is the change in present value of defined benefit and actuarial pension plans.
- v. Above-market earnings on deferred compensation which is not tax qualified.
- vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

- b. The Grantee must report executive total compensation described above to the State by the end of the month during which this Grant Contract is established.
- c. If this Grant Contract is amended to extend its term, the Grantee must submit an executive total compensation report to the State by the end of the month in which the amendment to this Grant Contract becomes effective.
- d. The Grantee will obtain a Data Universal Numbering System (DUNS) number and maintain its DUNS number for the term of this Grant Contract. More information about obtaining a DUNS Number can be found at: <http://fedgov.dnb.com/webform/>.

The Grantee's failure to comply with the above requirements is a material breach of this Grant Contract for which the State may terminate this Grant Contract for cause. The State will not be obligated to pay any outstanding invoice received from the Grantee unless and until the Grantee is in full compliance with the above requirements.

- E.4. Equal Opportunity. As a condition for receipt of grant funds, the Grantee agrees to comply with 41 C.F. R. § 60-1.4 as that section is amended from time to time during the term.
- E.5. Contract Work Hours and Safety Standard Act. As a condition for receipt of grant funds, the Grantee agrees to comply with the Contract Work Hours and Safety Standard Act at 40 U.S.C. § 3701 et seq., as that section is amended from time to time during the term.
- E.6. Grantee Match. Upon execution of this grant contract, the Grantee will be required to deposit its share of the estimated total project cost to the State. Additional deposits will be required if actual costs exceed the estimated costs. Any excess in the amount deposited above actual costs will be refunded. If the cost of this project increases by more than fifteen percent (15%) of the estimated grant contract amount during the progress of the work, the parties agree to enter into a supplemental agreement setting out the respective financial obligations of the State, Grantee, and the Federal Airport Improvement Program.
- E.7. Ban on Texting While Driving. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009 and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the State and subrecipients are encouraged to:
 - 1) Adopt and enforce workplace safety policies to decrease crashes by distracted drivers, including policies to ban text messaging while driving when performing any work related to this grant or subgrant.
 - 2) Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:

- a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
- b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

IN WITNESS WHEREOF,

CITY OF MURFREESBORO:

TAD #75-0156-20

GRANTEE SIGNATURE

DATE

SHANE McFARLAND, CITY MAYOR

PRINTED NAME AND TITLE OF GRANTEE SIGNATORY (above)

GRANTEE LEGAL COUNSEL'S SIGNATURE

DATE

DEPARTMENT OF TRANSPORTATION:

CLAY BRIGHT, COMMISSIONER

DATE

JOHN H. REINBOLD, GENERAL COUNSEL

DATE

APPROVED AS TO FORM AND LEGALITY



ATTACHMENT ONE
PAGE ONE

April 19, 2019

Michelle Frazier, Director
Tennessee Aeronautics Division
P. O. Box 17326
Nashville, TN 37217

RE: Request for Assistance for final design of the Taxiway F Development Area at the Murfreesboro Municipal Airport

Dear Director:

The City of Murfreesboro requests a Grant funded through the use of our Non-Primary Entitlement (NPE) funds for the total amount of \$127,500.00 (\$114,750.00 NPE, \$6,375.00 State, and \$6,375.00 Local) for the final design of the Taxiway F Development Area.

The purpose of this Grant is to fund the final design of the Taxiway F Development Area. The preliminary design has been completed successfully coordinating the extension and modification to Taxiway F, installation of utilities, and coordination Griggs and Maloney who was the engineering firm assisting with the construction of the TDK Hangar. The City of Murfreesboro is now prepared for final design. The final design includes the design of Taxiway E and a connecting taxiway to Taxiway F. With utilities installed and a proper system of taxiways, this area will be prepared for aircraft operating in and out of this area. The City of Murfreesboro will be constructing aprons and hangars of various sizes connected to these taxiways in an effort to meet the ever-growing demand for hangar space.

The schedule that we propose is that once a Grant is executed, the design will begin immediately. A supplemental Grant request may follow shortly after for the actual construction.

Thank you for considering this request. Please feel free to call me or our Airport Manager, Chad Gehrke if you require any further information.

Respectfully,

Steve Waldron
Airport Commission Chair



111 West Vine Street * Murfreesboro, Tennessee 37130 * Phone 615-893-5210
TDD 615-849-2689 www.murfreesboron.gov

REQUEST FOR STATE FUNDING
FOR AIRPORT IMPROVEMENT

ATTACHMENT ONE
PAGE TWO

Airport: Murfreesboro Municipal Airport
Project Title: Taxiway F Area Developement
Project Description: Taxiway F Area Developement

UPIN: BCG0000759
Submitted By: Chad Gehrke
Date Submitted: 4/19/2019 4:59:01PM
Project Manager: Chuck Hoskins

Applicant: City of Murfreesboro
Phone: 615-848-3254

Project in CIP?: Not Proposed Date Entered in CIP:

Explanation of Need: Final Design of Taxiway F Development Area

Estimated Cost:

Fiscal Year:	2,019	
Federal:	\$114,750	90.0%
State:	\$6,375	5.0%
Local:	\$6,375	5.0%
Other:	\$0	0.0%
<hr/>		
Total:	\$127,500	100%

Matching Funds Available?: 6,375.00

Airport Sponsor Comments:

Preliminary Design of Taxiway F Development Area has been completed.

TAD Comments:

Chad Gehrke on Apr 19 2019 4:58PM:

Preliminary Design for the Taxiway F Development Area was very successful. Design of area was completed allowing for the initial installation of the utilities, extension of Taxiway F, and coordination with TDK Hangar development.

TDOT USE ONLY

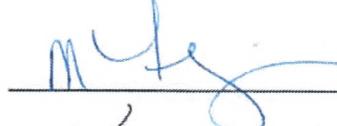
Staff Recommended:

Approved:

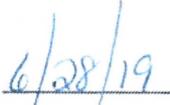
Rejected:

Moved:

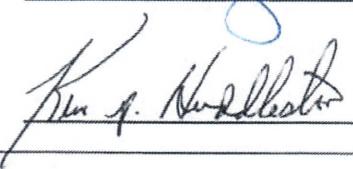
PSR Signature:



Date:



TAC Signature:



Date:



ATTACHMENT TWO
PAGE ONE

Federal Award Identification Worksheet

Subrecipient's name (must match registered name in DUNS)	
Subrecipient's DUNS number	
Federal Award Identification Number (FAIN)	3-47-SBGP-54-2018
Federal award date	8/15/2018
CFDA number and name	20.106
Grant contract's begin date	7/1/2019
Grant contract's end date	6/30/2021
Amount of federal funds obligated by this grant contract	\$114,750
Total amount of federal funds obligated to the subrecipient (SPONSOR: TOTAL Federal dollars deposited into YOUR account in current FY (7/18-6/19) from ALL agencies) MUST be UPDATED every 6 months and uploaded into BlackCat Documents	\$6,197,653.63
Total amount of the federal award to the pass-through entity (Grantor State Agency)	\$8,281,558
Name of federal awarding agency	Federal Aviation Administration
Name and contact information for the federal awarding official	TN Department of Transportation Aeronautics Division 607 Hangar Lane, Bldg. 4219 Nashville, TN 37217 615-741-3208
Is the federal award for research and development?	N/A
Indirect cost rate for the federal award (See 2 C.F.R. §200.331 for information on type of indirect cost rate)	N/A

Federal Award Identification Worksheet (FAI) is a required document; it must be completed and returned with signed grant for execution, with an updated copy loaded into BlackCat (75-555-0156-20) every six (6) months.

*Any questions please contact your Program Monitor, **Richard Vaughn**, at 615-741-3208.*

ATTACHMENT THREE

PAGE ONE

GRANT BUDGET				
City of Murfreesboro: Taxiway F Area Development		AERO-20-181-00		
The Grant Budget line-item amounts below shall be applicable only to expenses incurred during the following				
Applicable Period:		BEGIN: 7/1/2019	END: 6/30/2021	
POLICY 03 Object Line-item Reference	EXPENSE OBJECT LINE-ITEM CATEGORY ¹	GRANT CONTRACT	GRANTEE MATCH	TOTAL PROJECT
1. 2	Salaries, Benefits & Taxes	0.00	0.00	0.00
4, 15	Professional Fee, Grant & Award ²	\$121,125.00	\$6,375.00	\$127,500.00
5, 6, 7, 8, 9, 10	Supplies, Telephone, Postage & Shipping, Occupancy, Equipment Rental & Maintenance, Printing & Publications	0.00	0.00	0.00
11. 12	Travel, Conferences & Meetings	0.00	0.00	0.00
13	Interest ²	0.00	0.00	0.00
14	Insurance	0.00	0.00	0.00
16	Specific Assistance To Individuals	0.00	0.00	0.00
17	Depreciation ²	0.00	0.00	0.00
18	Other Non-Personnel ²	0.00	0.00	0.00
20	Capital Purchase ²	0.00	0.00	0.00
22	Indirect Cost	0.00	0.00	0.00
24	In-Kind Expense	0.00	0.00	0.00
25	GRAND TOTAL	\$121,125.00	\$6,375.00	\$127,500.00

¹ Each expense object line-item shall be defined by the Department of Finance and Administration Policy 03, *Uniform Reporting Requirements and Cost Allocation Plans for Subrecipients of Federal and State Grant Monies, Appendix A*. (posted on the Internet at: <http://www.tn.gov/finance/topic/fa-policyinfo>).

² Applicable detail follows this page if line-item is funded.

³ A Grantee Match Requirement is detailed by this Grant Budget, and the maximum total amount reimbursable by the State pursuant to this Grant Contract, as detailed by the "Grant Contract" column above, shall be reduced by the amount of any Grantee failure to meet the Match Requirement.

ATTACHMENT THREE

PAGE TWO

GRANT BUDGET LINE-ITEM DETAIL:

PROFESSIONAL FEE, GRANT & AWARD	AMOUNT
Taxiway F Area Development	\$127,500.00
TOTAL	\$127,500.00

TAD Project # 75-555-0156-20

Project Breakdown:	\$114,750.00	90% Federal #54 (NPE)
TX#	\$ 6,375.00	05% State
	\$ 6,375.00	05% Local
Grant Total:	\$127,500.00	100%

ATTACHMENT FOUR
PAGE ONE

Parent Child Information

The Grantee should complete this form and submit it with the Grant Contract. The Grantee should submit only one, completed "Parent Child Information" document to the State during the Grantee's fiscal year.

"Parent" means an entity whose IRS filing contains the information of at least one other entity.

"Child" means an entity whose information is contained in another entity's IRS filing.

Grantee's Edison Vendor ID number: **4110**

Is Grantee Legal Entity Name a parent? Yes No

If yes, provide the name and Edison Vendor ID number, if applicable, of any child entities.

Is Grantee Legal Entity Name a child? Yes No

If yes, complete the fields below.

Parent entity's name: _____

Parent entity's tax identification number: **62- 6000374**

Note: If the parent entity's tax identification number is a social security number, this form must be submitted via US mail to:

Central Procurement Office, Grants Program Manager
3rd Floor, WRS Tennessee Tower
312 Rosa L Parks Avenue
Nashville, TN 37243

Parent entity's contact information

Name of primary contact person: **Chad L. Gehrke**

Address: **1930 Memorial Blvd, Murfreesboro, TN 37129**

Phone number: **615- 848- 3254**

Email address: **cgehrke@murfreesborotn. gov**

Parent entity's Edison Vendor ID number, if applicable: **4110**

COUNCIL COMMUNICATION

Meeting Date: 7/25/19

Item Title: Mandatory Referral for Abandonment of a Drainage and Detention Easement north of Joe B Jackson Parkway

Department: Planning

Presented by: Matthew Blomeley, AICP, Assistant Planning Director

Requested Council Action:

Ordinance	<input type="checkbox"/>
Resolution	<input type="checkbox"/>
Motion	<input checked="" type="checkbox"/>
Direction	<input type="checkbox"/>
Information	<input type="checkbox"/>

Summary

Consider request to abandon a drainage easement located north of Joe B Jackson Parkway and west of Manchester Pike.

Staff Recommendation

Approve the mandatory referral request.

The Planning Commission voted to recommend approval at its July 17, 2019 regular meeting.

Background Information

In this mandatory referral [2019-714], Council is being asked to consider abandoning a drainage and detention easement located at the northwest corner of Joe B Jackson Parkway and Manchester Pike. It was recorded in 1997 with the Magnolia Trace, Section 4 subdivision plat before the construction of Joe B Jackson Parkway. A copy of the original plat has been included in the agenda packet for reference. The eventual construction of the roadway bisected the easement, leaving portions on the south side of Joe B Jackson Parkway and portions on the north side. However, the easement still serves its intended purpose.

The applicant seeks to abandon the easement on the north side of Joe B Jackson Parkway in order to develop commercial lots where the easement is currently located. Therefore, the developer plans to modify the easement on the south side of the road in order to increase its capacity to account for the lost storage volume on the north side. Staff has reviewed the proposed easement abandonment and does not object to it, provided that appropriate conditions are placed on its approval. An e-mail from City Project Engineer Katie Noel is included in the agenda packet for reference. Staff recommends that approval be made subject to the following conditions:

- 1) If approved by the City Council, the applicant will be responsible for providing the information necessary for the Legal Department to prepare the legal

documents for the easement abandonment as well as for recording those documents.

- 2) The storage volume and functions of this easement must be maintained.
- 3) Plans for any required improvements need to be approved by the Development Services Division prior to the issuance of any required permits.
- 4) The quitclaim deed for this mandatory referral cannot be recorded until any work deemed necessary by the Development Services Division in the easement on the south side of Joe B Jackson Parkway has been completed and passed City inspection.

Council Priorities Served

Safe and Livable Neighborhoods

Proper design of public infrastructure, including infrastructure for drainage and utilities, aids in the strong quality of life enjoyed by our citizens.

Strong and Sustainable Financial and Economic Health

Abandoning these easements so that the underlying property can be developed with commercial lots will create jobs and generate additional tax revenues not currently being generated by this property.

Attachments:

1. Planning Commission staff comments
2. Miscellaneous supporting materials

MURFREESBORO PLANNING COMMISSION

STAFF COMMENTS, PAGE 1

JULY 17, 2019

PROJECT PLANNER: MATTHEW BLOOMELEY

(REVISED JULY 16, 2019 FOR PLANNING COMMISSION MEETING)

3.h. Mandatory Referral [2019-714] to consider the abandonment of a drainage and detention easement north of Joe B Jackson Parkway and east of Manchester Pike, Huddleston-Steele Engineering, Inc. applicant.



In this mandatory referral, the Planning Commission is being asked to consider abandoning drainage and detention easements located at the northwest corner of Joe B Jackson Parkway and Manchester Pike. They were recorded in 1997 with the Magnolia Trace, Section 4 subdivision plat before the construction of Joe B Jackson Parkway. A copy of the original plat has been included in the agenda packet for reference. The eventual construction of the roadway bisected the

easements, leaving portions on the south side of Joe B Jackson Parkway and portions on the north side. However, the easements still serve their intended purpose.

The applicant seeks to abandon the easements on the north side of Joe B Jackson Parkway in order to develop commercial lots where the easements are currently located. Therefore, the developer plans to modify the easements on the south side of the road in order to increase their capacity to account for the lost storage volume on the north side. The Planning Department's Project Engineer, Katie Noel, has reviewed the proposed easement abandonment and does not object to it, provided that appropriate conditions are placed on its approval. An e-mail from Ms. Noel is included in the agenda packet for reference.

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

- 1) If approved by the City Council, the applicant will be responsible for providing the information necessary for the Legal Department to prepare the legal documents for the easement abandonment as well as for recording those documents.
- 2) The storage volume and functions of this easement must be maintained.
- 3) Plans for any required improvements need to be approved by the Development Services Division prior to the issuance of any required permits.
- 4) The quitclaim deed for this mandatory referral cannot be recorded until any work deemed necessary by the Development Services Division in the easement on the south side of Joe B Jackson Parkway has been completed and passed City inspection.

June 13, 2019

Mr. Donald Anthony, Planning Director
City of Murfreesboro
111 West Vine Street
Murfreesboro, Tennessee 37130

Re: Abandonment of Retention Areas
Magnolia Trace, Section IV

Dear Mr. Anthony:

At the request of our client, Mr. Denny Hastings, we hereby make a request to abandon two existing retention easements that were recorded in Magnolia Trace, Section IV, with a mandatory referral by Planning Commission. Property descriptions and an exhibit are attached.

Sincerely,

HUDDLESTON-STEELE ENGINEERING, INC.

William H. Huddleston

William H. Huddleston IV, P.E., R.L.S.

RECEIVED
JUN 13 2019
BY:

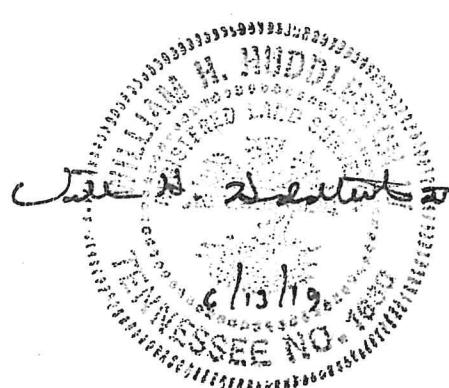
Property Description
Retention Area Easement to be Abandoned
Ashley Hastings Family Limited Partnership I
and Shane Hastings Family Limited Partnership I
Tax Map 135C, Group B, Part of Parcel 26.01
Record Book 952, Page 2515

Located in the 12th Civil District of Rutherford County, Tennessee. Bound on the north by Cornerstone Development, LLC (Record Book 1718, Page 3005); on the east by Bart Gordon, etux Leslie (Record Book 1230, Page 1418) and Charlemagne Winery, LP (Record Book 1698, Page 3102); on the south and west by the remaining property of Ashley Hastings Family Limited Partnership I and Shane Hastings Family Limited Partnership I (Record Book 952, Page 2515) and on the south by Joe B. Jackson Parkway.

Beginning at a point in the south line of Cornerstone Development, LLC, said point being the northeast corner of Hasting's Partnerships and the northwest corner of Bart Gordon, etux Leslie; thence with the west line of Bart Gordon, etux Leslie, S21°55'40"E, 329.99 feet to a point, being the southeast corner of this tract; thence into the remaining property of Hasting's Partnerships, S68°04'14"W, 185.00 feet to a point; thence continuing into said property, S21°55'46"E, 30.00 feet to a point; thence with the north right-of-way of Joe B. Jackson Parkway, S68°04'14"W, 21.13 feet to a point, being the southwest corner of this tract; thence leaving Joe B. Jackson Parkway with an east line of the remaining property of Hasting's Partnerships, N15°35'30"W, 273.66 feet to a point; thence continuing with said line, N41°26'55"E, 117.85 feet to a point; thence N10°26'50"E, 28.06 feet to a point, being the northwest corner of this tract; thence with the south line of Cornerstone Development, LLC, N56°23'00"E, 56.72 feet to the point of beginning, containing 1.26 acres, more or less.

This easement is subject to all other easements and/or restrictions either recorded or by prescription that a complete title search may reveal.

Prepared by:
Huddleston-Steele Engineering, Inc.
2115 Northwest Broad Street
Murfreesboro, Tennessee 37129



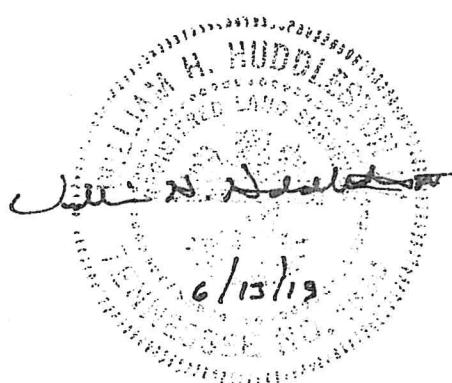
Property Description
Retention Area Easement to be Abandoned
Charlemagne Winery, LP
Tax Map 135C, Group B, Part of Parcel 26.04
Record Book 1698, Page 3102

Located in the 12th Civil District of Rutherford County, Tennessee. Bound on the north and west by the remaining property of Charlemagne Winery, LP (Record Book 1698, Page 3102); on the east by Manchester Highway (U.S. Hwy. 41S); and on the south by Joe B. Jackson Parkway.

Beginning at a point in the west right-of-way of Manchester Highway at the intersection of Manchester Highway and Joe B. Jackson Parkway; thence S23°04'17"W, 42.43 feet to a point in the north right-of-way of Joe B. Jackson Parkway; thence with said right-of-way, S68°04'14"W, 235.00 feet to a point, being the southwest corner of this tract; thence leaving the north right-of-way of Joe B. Jackson Parkway into the remaining property of Charlemagne Winery, LP, N21°55'40"W, 210.38 feet to a point, being the northwest corner of this tract; thence into the remaining property of Charlemagne Winery, LP, N68°04'20"E, 265.00 feet to a point in the west right-of-way of Manchester Highway, being the northeast corner of this tract; thence with said right-of-way, S21°55'40"E, 180.37 feet to the point of beginning, containing 1.27 acres, more or less.

This easement is subject to all other easements and/or restrictions either recorded or by prescription that a complete title search may reveal.

Prepared by:
Huddleston-Steele Engineering, Inc.
2115 Northwest Broad Street
Murfreesboro, Tennessee 37129



CORNERSTONE DEVELOPMENT, LLC
RECORD BOOK 1718, PAGE 3005

RICHLAND SOUTH, LLC
RECORD BOOK 1124, PAGE 2092

COMMENCE

CLIFF

N56°23'00"E
301.25'

S21°55'40"E
195.64'

S21°55'40"E
15.00'

P.O.B.

BART GORDON ETUX LESLIE
RECORD BOOK 1230, PAGE 1418
TAX MAP 135C, GROUP "B", PARCEL 26.03

P.O.B.

N68°04'20"E
265.00'

RETENTION AREA
EASEMENT
TO BE ABANDONED

CHARLEMAGNE WINERY, LP
RECORD BOOK 1698, PAGE 3102
TAX MAP 135C, GROUP "B", PARCEL 26.04

ASHLEY HASTINGS FAMILY LIMITED PARTNERSHIP I AND
SHANE HASTINGS FAMILY LIMITED PARTNERSHIP I
RECORD BOOK 952, PAGE 2515
TAX MAP 135C, GROUP "B", PARCEL 26.01

RETENTION AREA
EASEMENT
TO BE ABANDONED

N41°26'55"E
117.85'

N10°26'50"E
28.06'

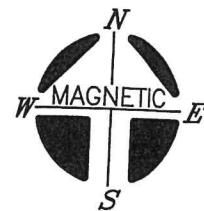
N56°23'00"E
56.72'

S68°04'14"W
185.00'

S21°55'40"E
30.00'

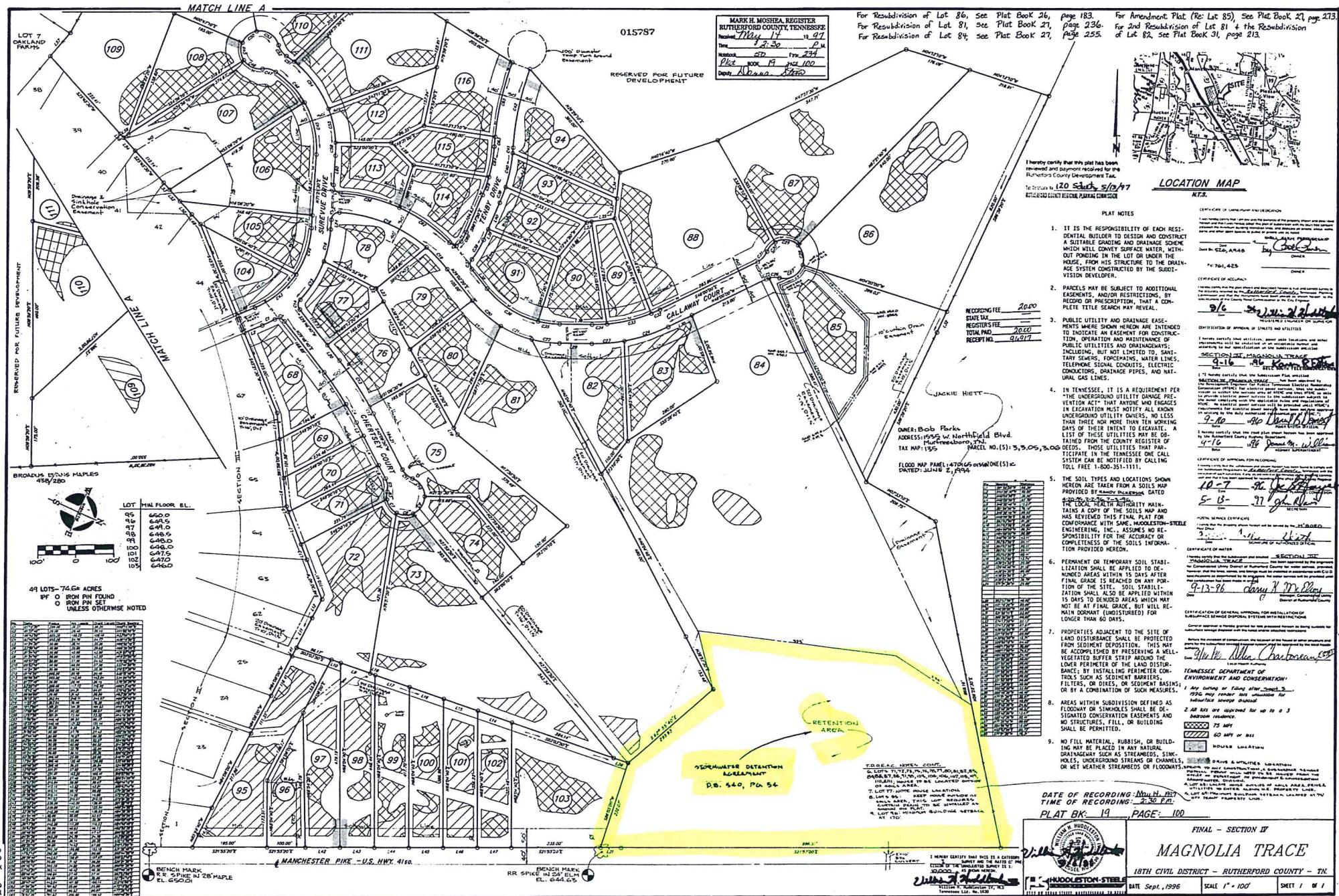
S68°04'14"W
21.13'

JOE B. JACKSON PARKWAY



100' 0 100'

**RETENTION AREA EASEMENT
ABANDONMENT
HASTINGS PROPERTY
CHALEMAGNE WINERY PROPERTY**



Matthew Blomeley

From: Katie Noel
Sent: Wednesday, July 10, 2019 11:46 AM
To: Matthew Blomeley
Subject: RE: Mandatory referral

Matthew,

Please see my comments below and let me know if you need any additional information.

This mandatory referral is to abandon drainage/detention easements that were recorded with the Magnolia Trace Subdivision in 1997. This easement was split by the construction of Joe B Jackson Parkway leaving portions both north and south of the new road. This request is to abandon the easements on the north side. These easements still serve a function to the community therefore the developer plans to modify the existing easements on the south side of Joe B Jackson to account to the lost storage volume.

Please apply the following comments/conditions to this mandatory referral.

1. The storage volume and functions of this easement need to be maintained.
2. Plans for any required improvements need to be approved by the development services department prior to the issuance of any required permits.
3. All work to transfer the functions of this easement to another property needs to be complete prior to starting any construction in these existing easements.

Thank you,

Katie Noel, PE, CPESC
Project Engineer
City of Murfreesboro

-----Original Message-----

From: Matthew Blomeley
Sent: Friday, July 05, 2019 2:47 PM
To: Katie Noel <knoel@murfreesborotn.gov>
Subject: Re: Mandatory referral

Thanks for the update, Katie. If after reviewing the additional information and the plan, you think we should move forward with putting it on the 7/17 PC agenda, then please provide me with your comments by the end of the day on Wednesday. This should give me enough time to do what I need to do with this item before agenda publication.

Have a good weekend.

Matthew

Sent from my iPhone

> On Jul 5, 2019, at 3:29 PM, Katie Noel <knoel@murfreesborotn.gov> wrote:
>
> Matthew,
>

COUNCIL COMMUNICATION

Meeting Date: 7/25/19

Item Title: Fee for Zoning Verification Letters

Department: Planning

Presented By: Donald Anthony, Director of Planning

Requested Council Action:

Ordinance	<input type="checkbox"/>
Resolution	<input checked="" type="checkbox"/>
Motion	<input type="checkbox"/>
Direction	<input type="checkbox"/>
Information	<input type="checkbox"/>

Summary

Creation of a new fee schedule for zoning verification letters.

Staff Recommendation

Approve the attached resolution.

Background Information

The Planning Department receives approximately five to ten requests for zoning verification letters each week. Unlike many municipalities, the City of Murfreesboro currently absorbs the cost of staff time and resources associated with these requests. The research required for each zoning verification letter and the writing of the letter itself can take anywhere from 30 minutes to several hours. In order to recover a portion of the costs associated with each letter, the Planning Department requests that the City Council institute a three-tiered fee structure. Proposed fees would range from \$25 to \$100, depending upon urgency and the type of information requested.

Council Priorities Served

Strong and Sustainable Financial and Economic Health

Creating adequate fees for zoning verification letters will help the City cover a portion of the costs associated with required research. This, in turn, reduces the fiscal burden of performing these tasks on taxpayers and the general fund.

Excellent Services with a Focus on Customer Service

Fees for zoning verification letters will help ensure that the Planning Department is able to continue providing useful information in a timely manner.

Attachments:

1. Resolution 19-R-17

RESOLUTION 19-R-17 setting type and amount of Zoning Verification Letter Fees.

WHEREAS, Murfreesboro City Code § 29-5 authorizes City Council to establish fees for review of City staff of site plans, subdivision plats, resubdivision plats, grading plans, and other related materials; and,

WHEREAS, the Planning Department has historically issued zoning verification letters at no cost to property owners and developers; and,

WHEREAS, Planning Department staff must often spend significant time preparing a zoning verification letter and reviewing related planning and zoning plans and materials; and,

WHEREAS, Council recognizes that the cost of preparing a zoning verification letter should be borne by the person or entity requesting the letter; and,

WHEREAS, the Planning Department's FY2020 budget contemplated the establishment of a fee for zoning verification letters.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. The Planning Department is hereby authorized to assess the following fees to offset the cost of preparing and issuing zoning verification letters (Basic Letter—regular delivery; Basic Letter—expedited delivery; and Detailed Letter):

Type of Zoning Verification Letter	Fee
Basic letter certifies a property's zoning district and the uses permitted on the property. <ul style="list-style-type: none">• Regular delivery: letter issued within 5 to 7 business days• Expedited delivery: letter issued within 3 business days	\$25 \$50
Detailed letter certifies a property's zoning district, the uses permitted on the property, any bulk standards applicable to the property, floodplain/FIRM information for the property, the existence of any outstanding zoning violations, and the conforming/ nonconforming status of the property. Letter issued within 14 days of request; no expedited delivery option.	\$100

SECTION 2. This Resolution shall be effective immediately, the public welfare and the welfare of the City requiring it.

Passed: _____

Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

Melissa Wright
City Recorder
(SEAL)

Adam F. Tucker
City Attorney

COUNCIL COMMUNICATION

Meeting Date: 7/25/19

Item Title: Plan of Services, Annexation, and Zoning for property located along Lee Lane
[Public Hearings Required]

Department: Planning

Presented By: Matthew Blomeley, AICP, Assistant Planning Director

Requested Council Action:

Ordinance	<input checked="" type="checkbox"/>
Resolution	<input checked="" type="checkbox"/>
Motion	<input type="checkbox"/>
Direction	<input type="checkbox"/>
Information	<input type="checkbox"/>

Summary

Annexation and zoning of approximately 85.6 acres and 83 acres, respectively, located along Lee Lane.

Staff Recommendation

Conduct a public hearing and approve the Plan of Services and the requested annexation. The Planning Commission unanimously recommended approval of the annexation request and plan of services by a vote of 7-0.

Conduct a public hearing, pass and adopt the ordinance establishing the requested zoning. The Planning Commission unanimously recommended approval of the zoning request by a vote of 7-0.

Background Information

James and Virginia Jernigan have initiated a petition of annexation [2019-505] for approximately 85.6 acres located along Lee Lane. The City developed its plan of services for this area. Additionally, Brian Berryman presented to the City a zoning application [2019-411] for approximately 83 acres located along Lee Lane to be zoned H-I (Heavy Industrial District) simultaneous with annexation.

During its regular meeting on June 5, 2019, the Planning Commission conducted public hearings on these matters and then voted to recommend their approval. The Planning Commission's recommendation on the zoning request was conditioned upon a 40' strip along the east and north property lines being removed from the study area. The applicants agreed to this condition and the maps have been revised accordingly. If the City Council approves the zoning request as revised, the 40' strip will automatically be given a zoning classification of RS-15 (Single-Family Residential District 15) upon annexation. In addition, Staff also recommends that the zoning be conditioned on the exclusion of certain uses to be listed on a subdivision plat recorded

after first reading but prior to second and final reading. This list will mirror the list proposed for the adjacent property considered in the Spring for annexation and zoning to H-I. A copy of the memo presented to Council in the Spring with the recommended list of prohibited uses is attached.

Council Priorities Served

Engaging Our Community

Public hearings are the official source of public input from stakeholders for annexation petitions and zoning applications.

Attachments:

1. Resolution 19-R-PS-23
2. Resolution-19-R-A-23
3. Ordinance 19-OZ-23
4. Maps of the area
5. Planning Commission staff comments from 6/5/19 meeting
6. Planning Commission minutes from 6/5/19 meeting
7. Plan of services
8. Memo from Planning Director Donald Anthony with recommended list of prohibited uses
9. Other miscellaneous exhibits

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
JUNE 5, 2019**

5.c. Annexation Petition and Plan of Services [2019-505] for approximately 85 acres located along Lee Lane, James & Virginia Jernigan applicants. (project planner Margaret Ann Green).

The subject property is located along the north side of Lee Lane, adjacent to 123 acres that was recently considered for annexation and rezoning to Heavy Industrial (H-I) district. The property consists of approximately 85 acres and includes Lee Lane right-of-way. The property is identified as follows:

- Map 113, Parcel 014.00
- 655 Linear feet of Lee Lane right-of-way

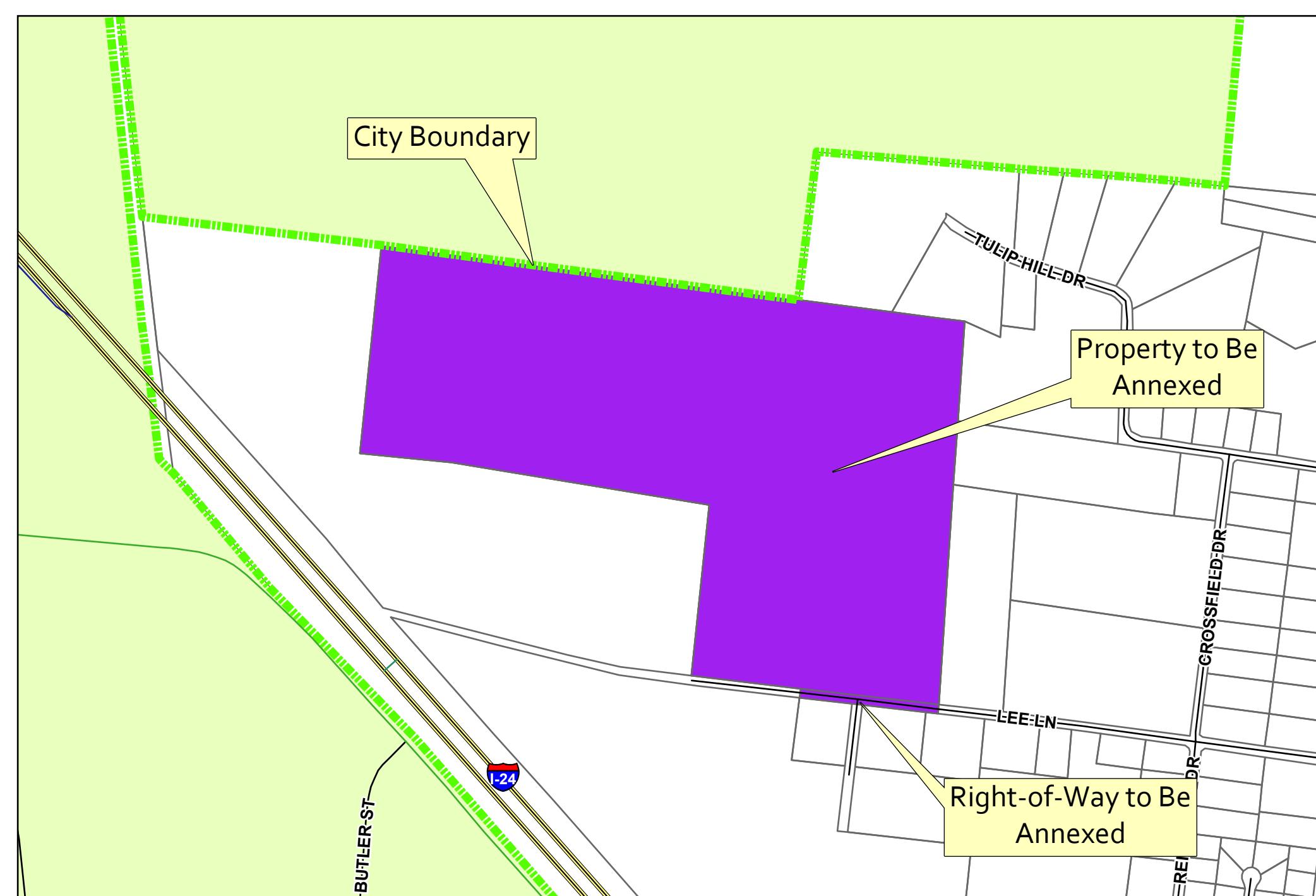
TOTAL ACRES: approximately 85 acres

The parcel is undeveloped and utilized for agricultural purposes. Written petitions requesting annexation have been filed with the City by the property owners and/or their legal representatives.

Mr. Brian Berryman has filed a request to have the properties zoned H-I (Heavy Industrial District) simultaneous with annexation (file 2019-411). The zoning request will be the subject of the next item on the agenda item.

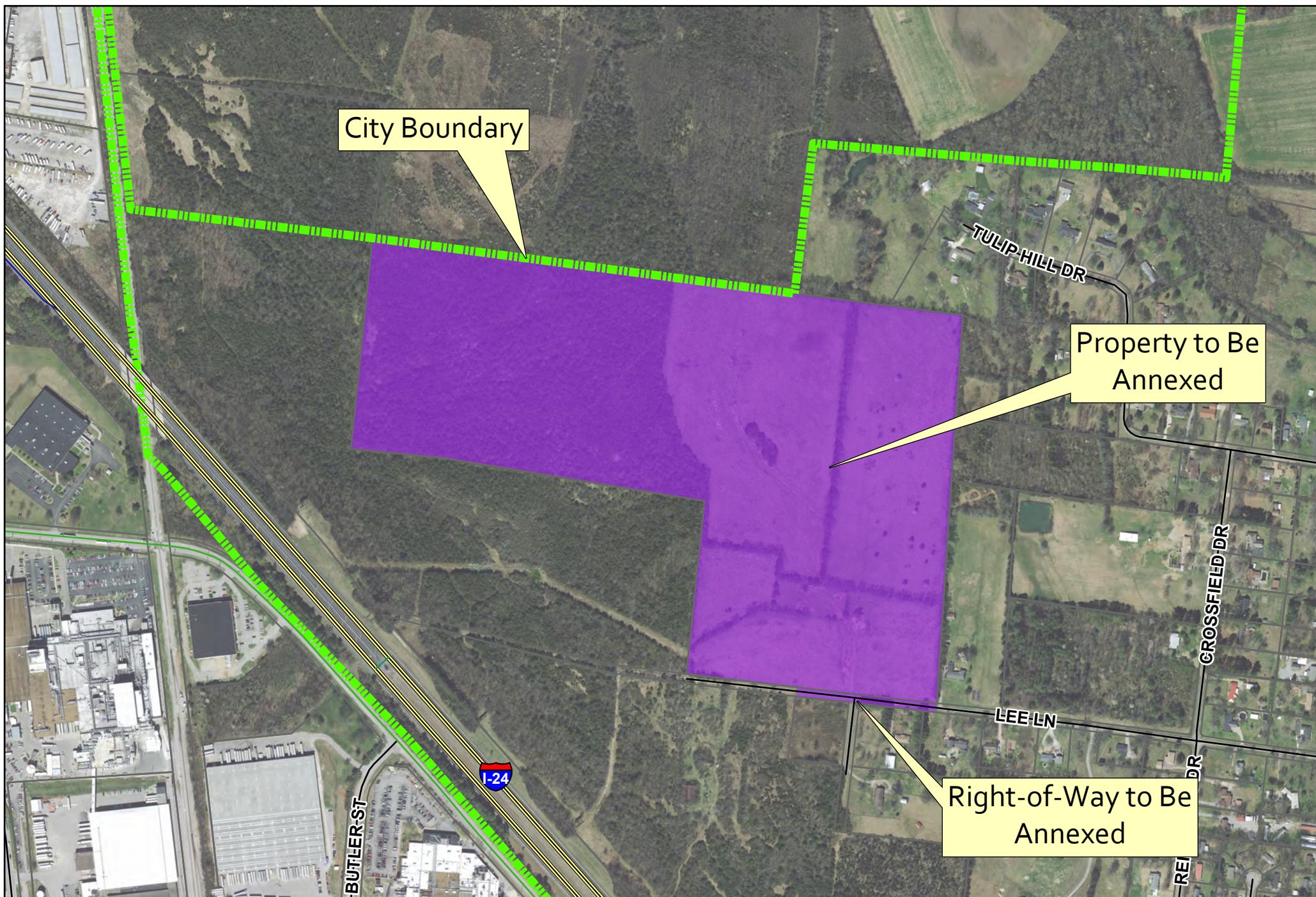
The subject property is located within the City's Urban Growth Boundary and is contiguous with the current City limits. It appears that the City will be able to extend most City provided services either immediately upon the effective date of annexation or as development occurs. Staff has included an *Annexation Feasibility Study and Plan of Services* for adoption. Sewer is not readily available to the property and will need to be extended according to one of the several options presented by the MWRD. Prior to any development on the site, the developer shall provide adequate fire flows and install water lines and fire hydrants per the Murfreesboro Water Resources Department (MWRD) policies and procedures.

The Planning Commission will need to conduct a public hearing on the matter of the annexation petition and Plan of Services, after which it will need to discuss this matter and then formulate a recommendation for City Council.



Annexation Request for Property Along Lee Lane





Annexation Request for Property Along Lee Lane



G:\annex\Lee Ln Annex - April 2019.aprx



Planning Department
City of Murfreesboro
111 West Vine Street
Murfreesboro, Tennessee 37130
www.murfreesborotn.gov

PETITION FOR ANNEXATION BY THE CITY OF MURFREESBORO

The undersigned is the only owner / are all of the owners of the property identified in the attached legal description (including street address and tax map / parcel number), and hereby petitions the City of Murfreesboro to annex such property into the City.

Signatures must be by owners or those with an appropriate written Power of Attorney from an owner. If the owner is not an individual (eg. corporation, trust, etc.), list the entity's name, the name of the individual signing on behalf of the entity and the status of the individual (eg. president, trustee, partner). If you are signing this Petition based on a Power of Attorney, you must also attach a copy of the Power of Attorney.

1. JIM JERNIGAN

Printed Name of Owner (and Owner's Representative, if Owner is an entity)

Signature: Jim Jernigan Jr Status: _____ Date: 4-5-19

214 2nd Avenue, Murfreesboro, TN 37130

Mailing Address (if not address of property to be annexed)

2. VIRGINIA JERNIGAN

Printed Name of Owner (and Owner's Representative, if Owner is an entity)

Signature: Virginia Jernigan Status: _____ Date: 4-5-19

214 2nd Avenue, Murfreesboro, TN 37130

Mailing Address (if not address of property to be annexed)

3. Nettie J. Monday

Printed Name of Owner (and Owner's Representative, if Owner is an entity)

Signature: Nettie J. Monday Status: _____ Date: 4/7/19

6833 Lofton Road, Lascassas, TN 37085

Mailing Address (if not address of property to be annexed)

4.

Printed Name of Owner (and Owner's Representative, if Owner is an entity)

Signature: _____ Status: _____ Date: _____

Mailing Address (if not address of property to be annexed)

(Attach additional signature pages if necessary)

Legal Description is attached: _____ Yes

Power of Attorney applies and is attached: _____ Yes _____ No

PROPERTY DESCRIPTION
MAP 113, PARCEL 14.00
JAMES W. JERNIGAN, JR, AND VIRGINIA JERNIGAN

A TRACT OF LAND IN RUTHERFORD COUNTY, TENNESSEE, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF ELIZABETH CLARK ET AL (R.B. 335, PG. 1256), A POINT IN THE NORTHERLY MARGIN OF LEE LANE, THENCE WITH THE EASTERLY LINE OF CLARK AND THE FOLLOWING CALLS: ;
N00°45'00"E, A DISTANCE OF 825.00';
THENCE, N87°30'00"W, A DISTANCE OF 1724';
THENCE, N05°34'12"E, A DISTANCE OF 995' TO THE NORTHEAST CORNER OF CLARK, A POINT IN THE SOUTHERLY LINE OF TOMMY HOOVER ET AL (R.B. 1197, PG. 1707);
THENCE WITH THE SOUTHERLY LINE OF HOOVER AND THE SOUTHERLY LINE OF SUE JONES (R.B. 665, PG. 2030) AND HOUSTON ALLEN JONES III (R.B. 1285, PG. 1854) WITH THE FOLLOWING CALLS:
S87°30'00"E, A DISTANCE OF 1650';
THENCE S87°15'00"E, A DISTANCE OF 1114' TO THE NORTHWEST CORNER OF JAMES MICHAELS (R.B. 1562, PG. 2678);
WITH THE WESTERLY LINES OF JAMES MICHAELS, CHARLES MORRIS ET AL (D.B. 261, PG. 646) AND BRUCE WHITE (1694, PG. 3864), S00°00'00"E, A DISTANCE OF 1815' TO A POINT IN THE NORTHERLY MARGIN OF LEE LANE;
THENCE WITH THE MARGIN OF LEE LANE, N87°30'00"W, A DISTANCE OF 1147' TO THE POINT OF BEGINNING, HAVING AN AREA OF 85 ACRES, MORE OR LESS.

BEING THE SAME PROPERTY CONVEYED TO JAMES W. JERNIGAN, JR. AND VIRGINIA JERNIGAN BY QUITCLAIM DEED RECORDED IN RECORD BOOK 672, PAGE 1407, IN THE OFFICE OF THE REGISTER OF DEEDS FOR RUTHERFORD COUNTY, TENNESSEE.

Consent for Annexation of Public Right-of-Way by the City of Murfreesboro

The City of Murfreesboro, Tennessee has initiated an annexation study of public right-of-way as shown on the attached Exhibit, which specifically includes that section of Lee Lane from the western property line of 1819 Lee Lane west approximately 655 linear feet ("County Right-of-Way"), such section being a portion of the prescriptive/platted right-of-way for Lee Lane shown in the current Rutherford County Highway Department Road Book. The undersigned, a duly authorized official of Rutherford County, Tennessee, hereby certifies that, at a public meeting held on May 6, 2019 and in furtherance of the requirements set forth in Tenn. Code Ann. § 6-51-1014, the Rutherford County Highway Commission consented to the annexation of the County Right-of-Way by the City of Murfreesboro, Tennessee.

WITNESS MY HAND this 6 day of May 2019.

Greg Brooks
Greg Brooks
Rutherford County Road Superintendent

Sworn to and subscribed before me, a notary public in and for said county and state in Murfreesboro, Tennessee on the 6 day of May 2019.

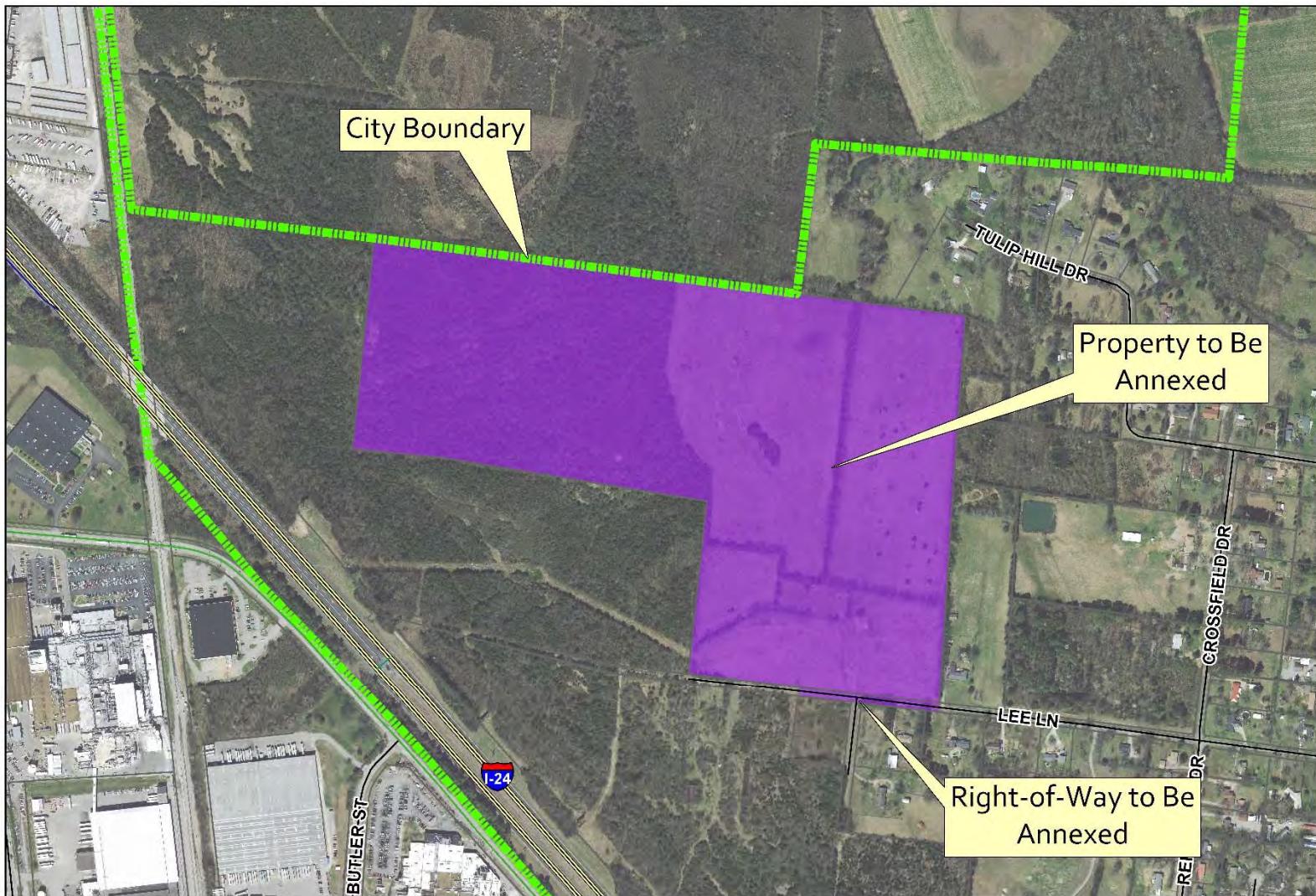
My Commission Expires: 5-19-2020



ANNEXATION REPORT FOR PROPERTY LOCATED NORTH OF LEE LANE INCLUDING PLAN OF SERVICES



PREPARED FOR THE
MURFREESBORO PLANNING COMMISSION
June 5, 2019
Revised June 20, 2019 (page 7)



Annexation Request for Property Along Lee Lane

0 500 1,000 2,000 Feet



G:\annex\Lee Ln Annex - April 2019.aprx



Planning Department
City Of Murfreesboro
111 West Vine Street
Murfreesboro, Tennessee 37130
www.murfreesboron.gov

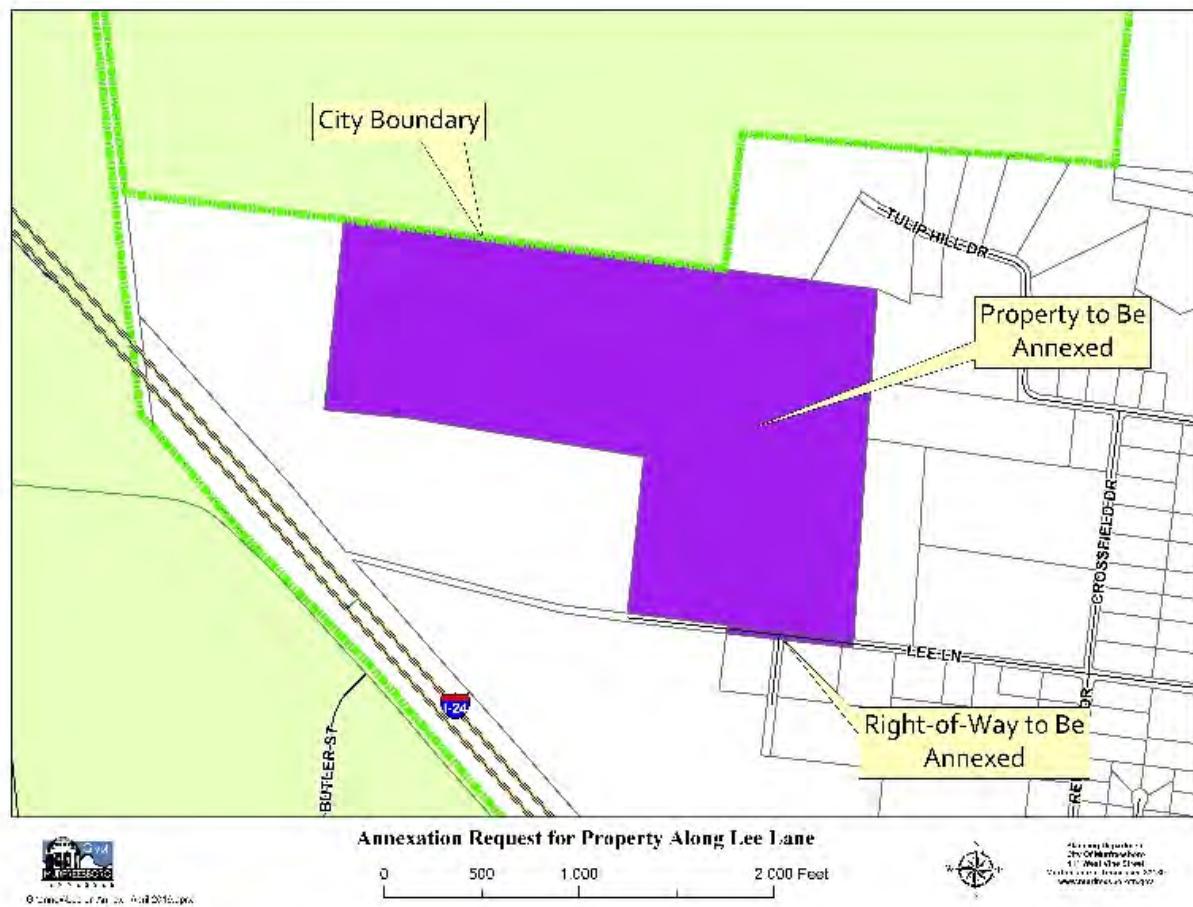
INTRODUCTION

OVERVIEW

The area studied in this Plan of Services is a 85-acre parcel (Tax Map 113, Parcel 014.00) situated along the north side of Lee Lane and the east of I-24. Also included in this study are 655 linear feet of Lee Lane right-of-way. The study area adjoins the City on the north with the unincorporated County on the east and south. An annexation is currently pending for the adjoining property to the east.

The property owners, James and Virginia Jernigan, have petitioned the City of Murfreesboro annex the property. An application to zone the property H-I (Heavy Industrial District) simultaneous with annexation has also been submitted.

The annexation study area is located within the City of Murfreesboro's Urban Growth Boundary and is contiguous with current City limits.

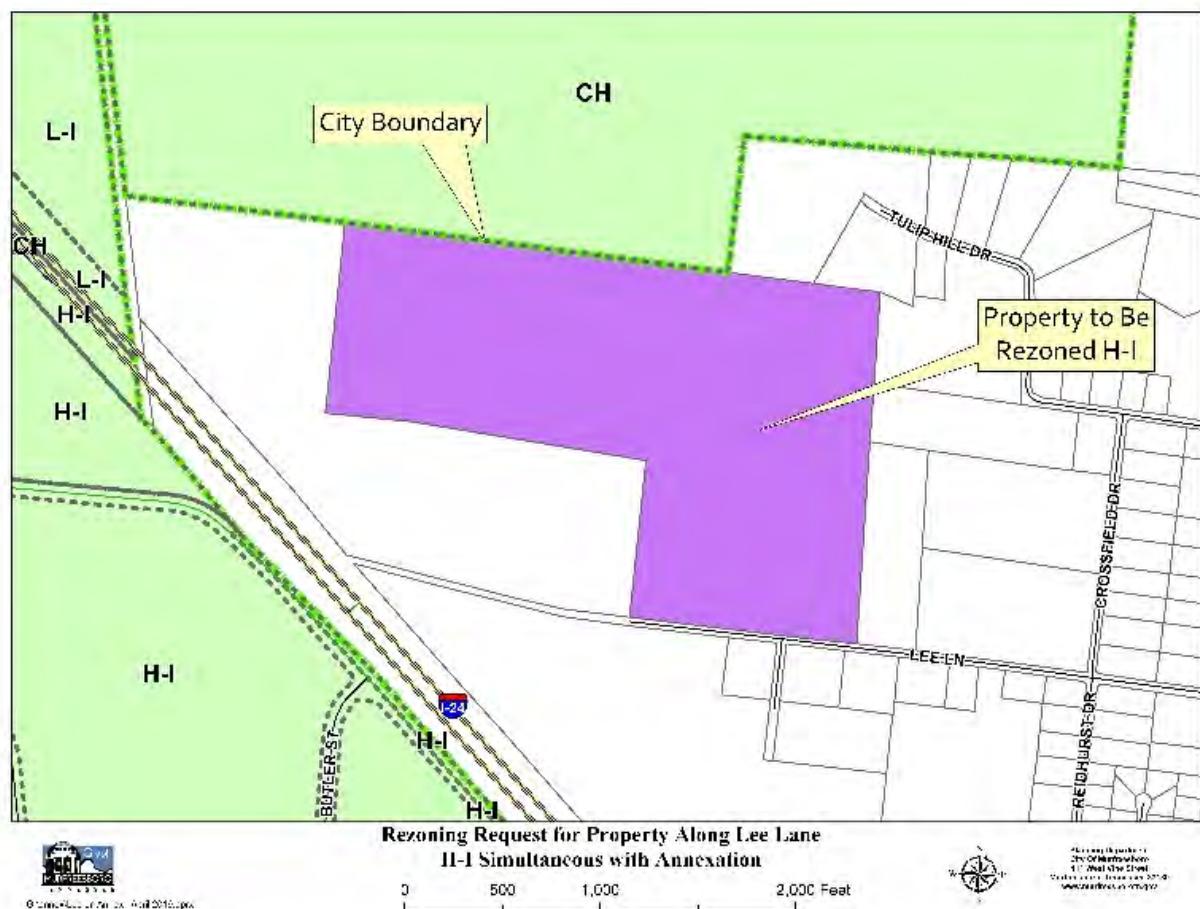


CITY ZONING

A separate application has been submitted by Mr. Brian Berryman requesting H-I (Heavy Industrial District) zoning for the subject parcel.

The subject parcel is currently zoned RM (Residential – Medium Density) in the County.

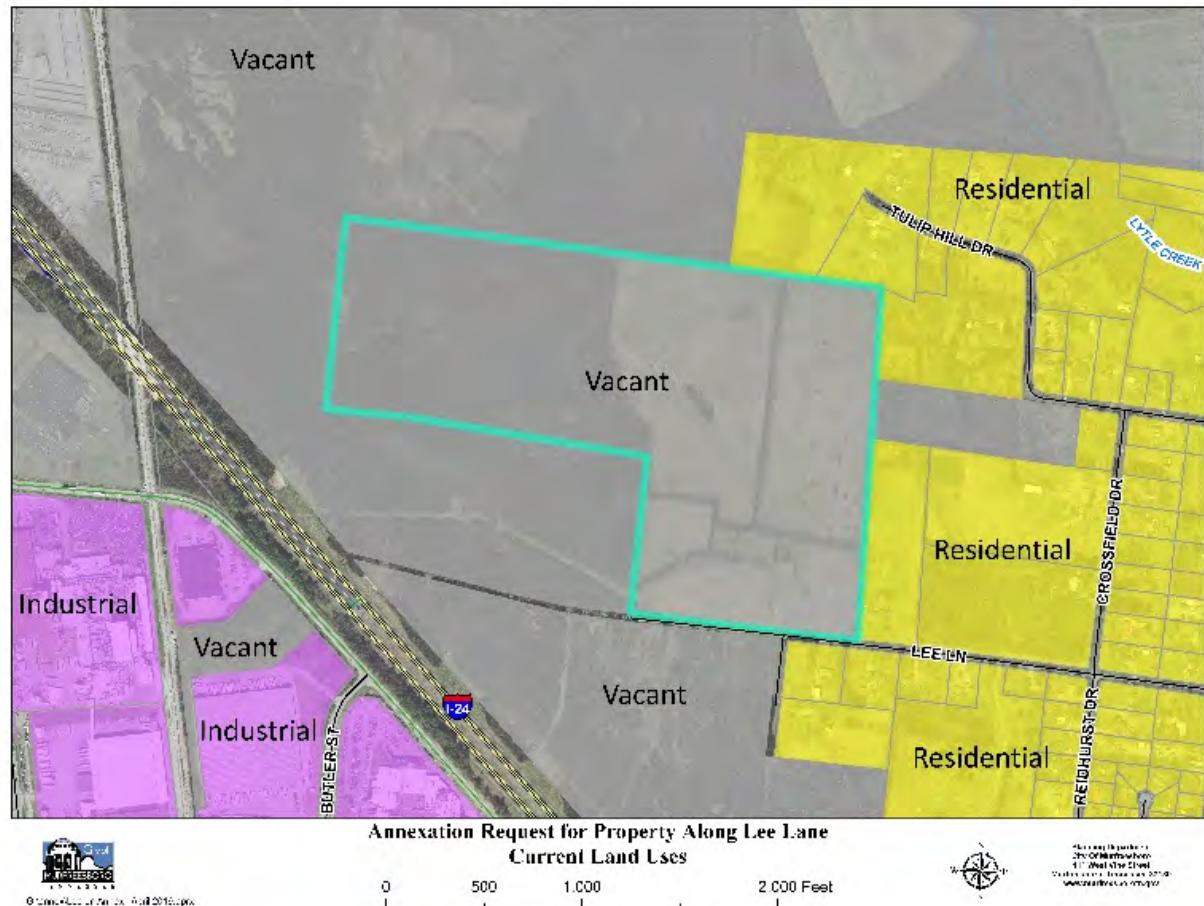
The study area is surrounded on all sides by residential and agricultural uses. The property to the north is zoned CH and was zoned such in anticipation of a FedEx distribution facility being located on this site. FedEx is no longer proposing to build a facility at this location. Mr. Barryman has requested this property be rezoned from CH to H-I as well as zoning the eastern parcel H-I simultaneous with annexation (application pending before City Council).



PRESENT AND SURROUNDING LAND USE

The area being considered for annexation is an 85-acre parcel. The property is currently used for agricultural purposes and is mostly undeveloped.

The area surrounding the 85-acre parcel is characterized by large lots with residential and agricultural uses. Approximately one mile to the south is Joe B Jackson which provides a hub for varied industrial users with nearby access to I-24 via the interchange.



TAXES AND REVENUE

The first City tax bill for all property annexed during the calendar year of 2019 will be due on December 31, 2020. City taxes are calculated upon the property appraisal and assessment of the Rutherford County Property Assessor's Office. The current tax rate for the City of Murfreesboro is \$0.9494/\$100.00 assessed value. Residential property is assessed at a rate of 25% of its appraised value and commercial property is assessed at a rate of 40% of its appraised value. Table I below shows total assessment and estimated City taxes that would be collected, if the property were to be annexed in its present state. (Note that the property currently receives a greenbelt rollback assessment. The table below assumes that the property will no longer qualify for the greenbelt rollback assessment upon sale and development.)

***Table I
Estimated Taxes from Site***

Owner of Record	Acres	Land Value	Improvements Value	Total Assessment	Estimated City Taxes
JERNIGAN JAMES W JR ETUX VIRGINIA	85.00	\$140,500	\$0	\$35,125	\$332.29*

These figures are for the property in its current agricultural state.

***The City Council approved a change in the tax rate for the City of Murfreesboro from 0.9494/\$100 assessed value to 1.2894/\$100 assessed value after this Plan of Services was recommended for approval by the Planning Commission on June 5, 2019. Based on the revised tax rate, the Estimated City Taxes would be \$451.29.**

PLAN OF SERVICES

POLICE PROTECTION

At present, the study area receives police service through the Rutherford County Sheriff's Department. If annexed, the Murfreesboro Police Department will begin providing services such as patrol, criminal investigation, community policing, traffic operations, canine, DARE and other community crime prevention programs to the subject parcels immediately upon the effective date of annexation. This annexation will have no negative impact on the Murfreesboro Police Department. No additional costs to the department are expected. This property is located in Police Zone #7.

ELECTRIC SERVICE

The study area is currently served by Middle Tennessee Electric Membership Corporation (MTEMC). The Murfreesboro Electric Department (MED) will serve the study area as it develops; facilities along South Rutherford Boulevard will be extended to serve the study area. Any electrical infrastructure installed to serve development in the study area is required to adhere to MED standards.

STREET LIGHTING

According to MED, street lighting will be installed on the property if the future development includes public streets. No street lights are proposed on Lee Lane with this annexation.

SOLID WASTE COLLECTION

The City will provide weekly curbside solid waste collection service immediately upon the effective date of annexation, as well as brush/debris removal every two to three weeks. In its current undeveloped state, no additional equipment or manpower will be needed to serve the study area. Upon development as a heavy industrial user, the developer will be required to arrange solid waste collection via a private hauler as the City will not provide solid waste collection.

RECREATION

Murfreesboro's Parks and Recreation facilities will be immediately available to residents of the study area. Currently Murfreesboro has two multi-purpose facilities, one community center, a wilderness facility, over 1,000 acres of parks, a network of greenways, and recreational sports. These facilities and programs are wholly funded by the Murfreesboro tax payers. Children who are residents of the City of Murfreesboro, attend Murfreesboro Elementary Schools, and receive free or reduced lunches also receive free or reduced recreational fees.

CITY SCHOOLS

The Murfreesboro City School system serves grades kindergarten through sixth and is offered to students who are within the jurisdiction of the City of Murfreesboro, although no students are anticipated from the annexation of this property. The study area will be within the Black Fox school zone.

STREETS AND ACCESS

Public Roadway System

The Annexation Study Area includes approximately 655 linear feet of Lee Lane right-of-way. Lee Lane is a two-lane residential road that does not meet minimum City specifications. Lee Lane intersects Elam Road which is also a two-lane roadway that does not meet minimum City specifications. Elam Road is on the 2040 Major Transportation Plan as MTI #23 proposed to be a 3-lane roadway.

It is recommended that the development of this tract include planning for a public roadway extension from the north with an intersection on South Rutherford Boulevard just west of Lytle Creek. This proposed connector is on the 2040 Major Transportation Plan as MTI #5. The future corridor is to be a 3-lane roadway connection to south of South Rutherford Boulevard and west of Elam Road.

Regional Traffic and Transportation Conditions

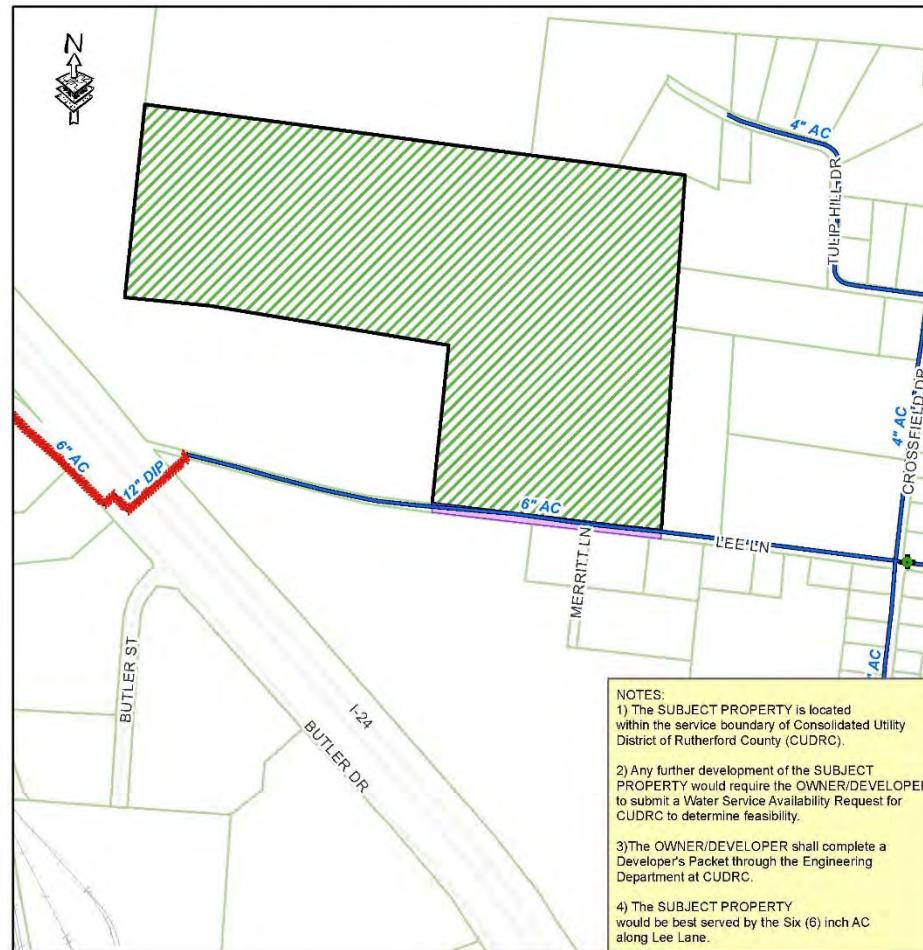
- The intersection west of this property is South Church Street and South Rutherford Boulevard. The 2014 Level of Service Model in the proposed 2040 Major Transportation Plan (MTP) shows South Church Street to be operating at a Level of Service D/F. The 2040 Level of Service Model indicates that South Church Street fall to Level of Service of F with or without the proposed improvements recommended in the 2040 MTP.
- The intersection to the east is South Rutherford Boulevard & Manchester Highway. The 2014 Level of Service Model in the proposed 2040 Major Transportation Plan (MTP) shows South Rutherford Boulevard to be operating at a Level of Service C in the Study Area using average daily traffic (ADT) counts. The 2040 Level of Service Model indicates that South Rutherford Boulevard fall to Level of Service of D with or without the proposed improvements recommended in the 2040 MTP.
- Manchester Highway is operating at a Level of Service C. The 2040 Level of Service Model indicates that Manchester Highway fall to Level of Service of F with or without the proposed improvements recommended in the 2040 MTP.

A traffic impact study will be required incorporating the surrounding properties and roadway systems. Any new public roadways to serve the study area must be constructed to City Standards.

WATER SERVICE

The subject property is served by a 6-inch Consolidated Utility District (CUD) water line along Lee Lane. This line is adequate for providing domestic water service and for maintaining the proper fire flows for the existing development. A Water Availability Request must be submitted to CUD for review and approval before any additional development on the property may occur. Any new water line development must be done in accordance with CUD's development policies and procedures.

Lee Lane Annexation Request



- ◆ CUD HYDRANT
- ◆ CUD WATER MAIN (inactive)
- CUD WATER MAIN
- ROW TO BE ANNEXED
- ▨ SUBJECT PROPERTY

APRIL 30, 2019

TAX MAP: 113
PARCEL: 14.00

1 INCH = 600 FEET



0 250 500 1,000
Feet

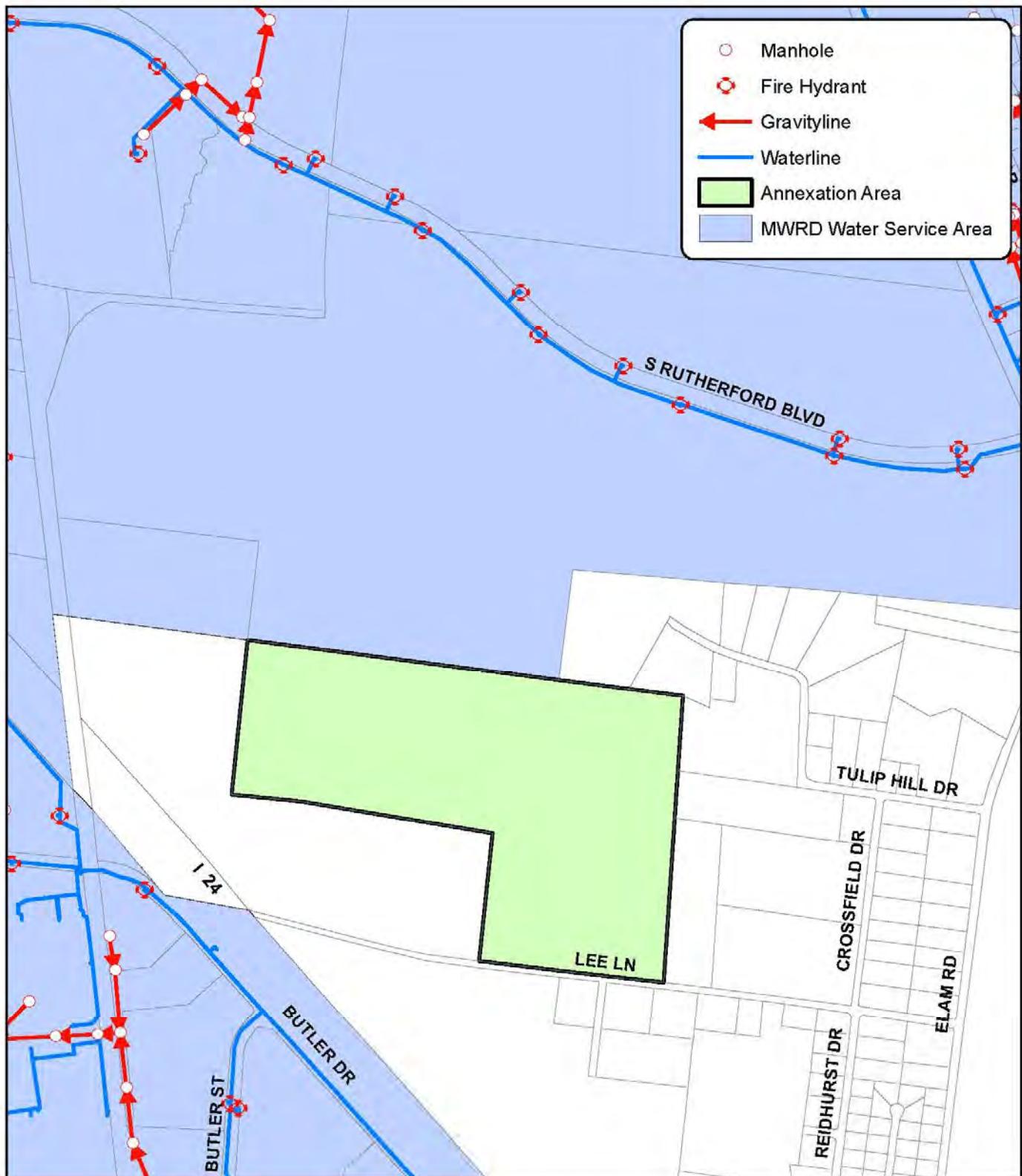
SANITARY SEWER SERVICE

Sanitary sewer is not currently available to serve the subject property, per the Murfreesboro Water and Sewer Department's (MWS) definition of "available." There is an existing sewer main on both the north and south sides of South Rutherford Boulevard. There are several possible options for sewer service to the properties, however, all options will require the developer to obtain easements from adjacent property owners and be dedicated to the City of Murfreesboro.

- Option 1 would be to acquire permanent and temporary construction easements from the Murfree (Map 102, Parcel 49), Derryberry (Map 112, Parcel 1) and Hoover (Map 112, Parcel 2.0) properties in order to extend public sewer to the property. This would also require a bore under Rutherford Blvd.
- Option 2 would be to acquire and/or redefine permanent and temporary construction easements from the Husky Truss property (Map 113, Parcel 11.06) and extend sewer east and south to the requesting property.
- Option 3 would be to acquire and/or redefine permanent and temporary construction easements from the Husky Truss, Derryberry and Hoover properties and extend sewer east parallel to the southern right of way of Rutherford Boulevard and then south to the requesting property.

The entire property cannot be served by a gravity sewer main, then the Developer may need to look at serving a portion of the property with a sewer pump station and forcemain.

All sewer main improvements and easements needed to serve the subject properties are to be installed and acquired respectively by the developer in accordance with MWRD's development policies and procedures. The red lines on the adjacent map represent existing sewer lines.



MURFREESBORO WATER AND SEWER DEPARTMENT

Annexation Request for Lee Lane



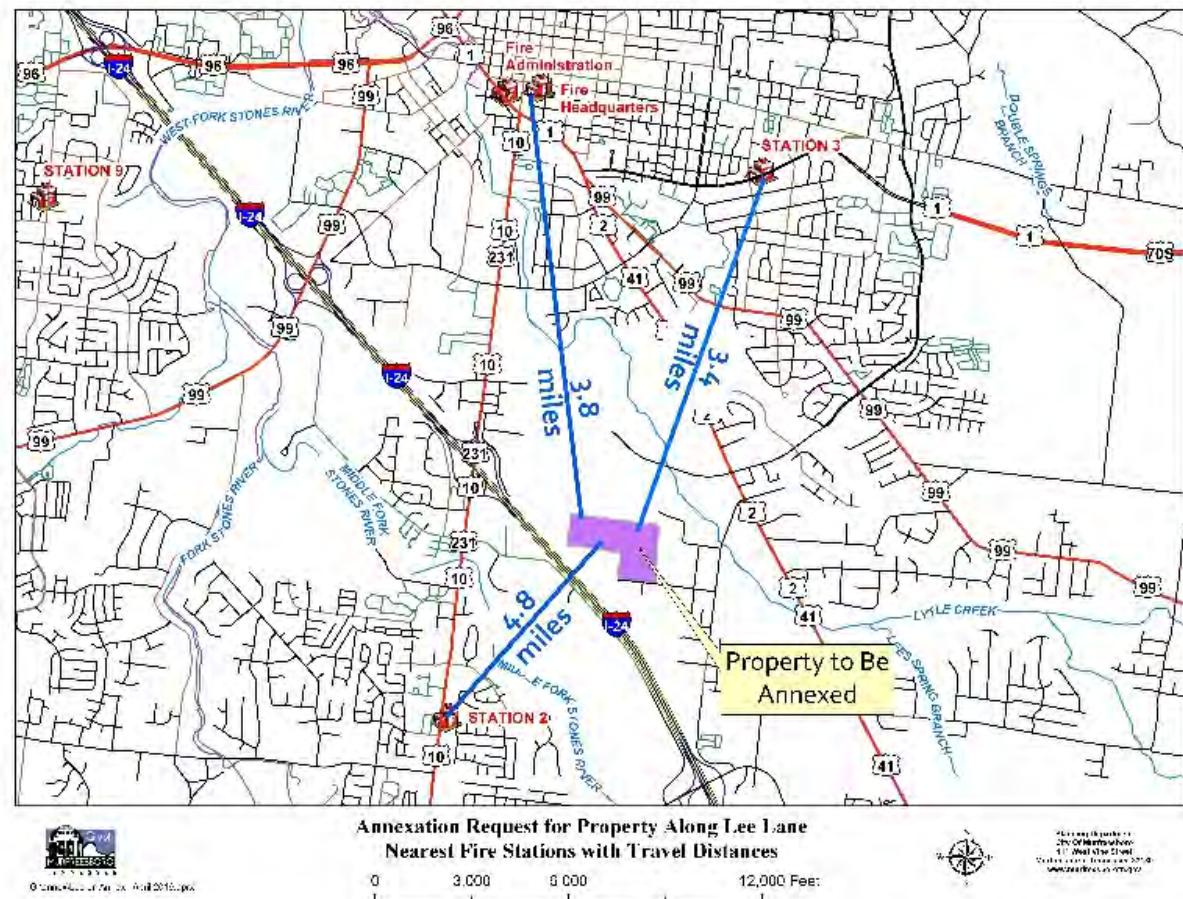
KMC 5/6/2019
LEE LANE 2.MXD

FIRE AND EMERGENCY SERVICE

The Murfreesboro Fire and Rescue Department will begin providing fire protection and medical first responder service to the study area immediately upon the effective date of annexation. This annexation will have no negative impact on the Murfreesboro Fire and Rescue Department (MFRD).

Any development on the site must provide adequate fire flows and install water lines and fire hydrants per the Consolidated Utility District policies and procedures. Current guidelines recommend fire hydrants be 500 feet apart.

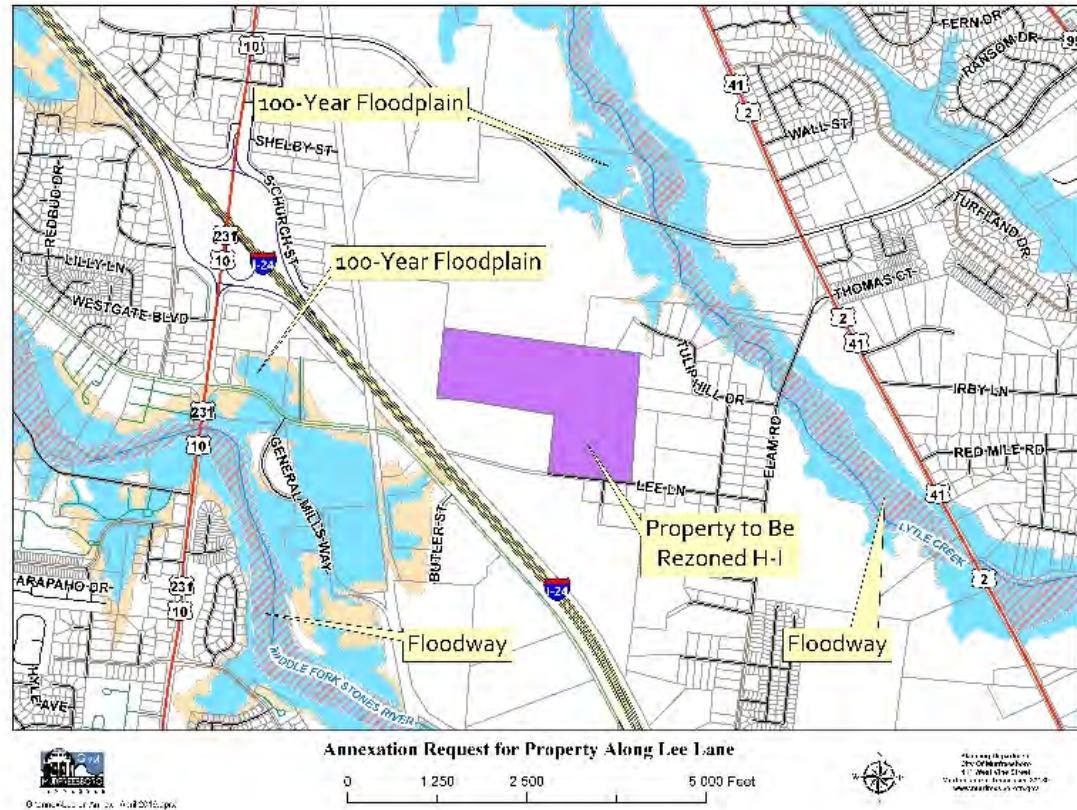
There is a 6-inch Consolidated Utility District water line along Lee Lane that serves the subject property. The closest operating fire station to the subject property is Fire Station #3, located at 1511 Mercury Boulevard, approximately 4.8 miles from the study area.



FLOODWAY

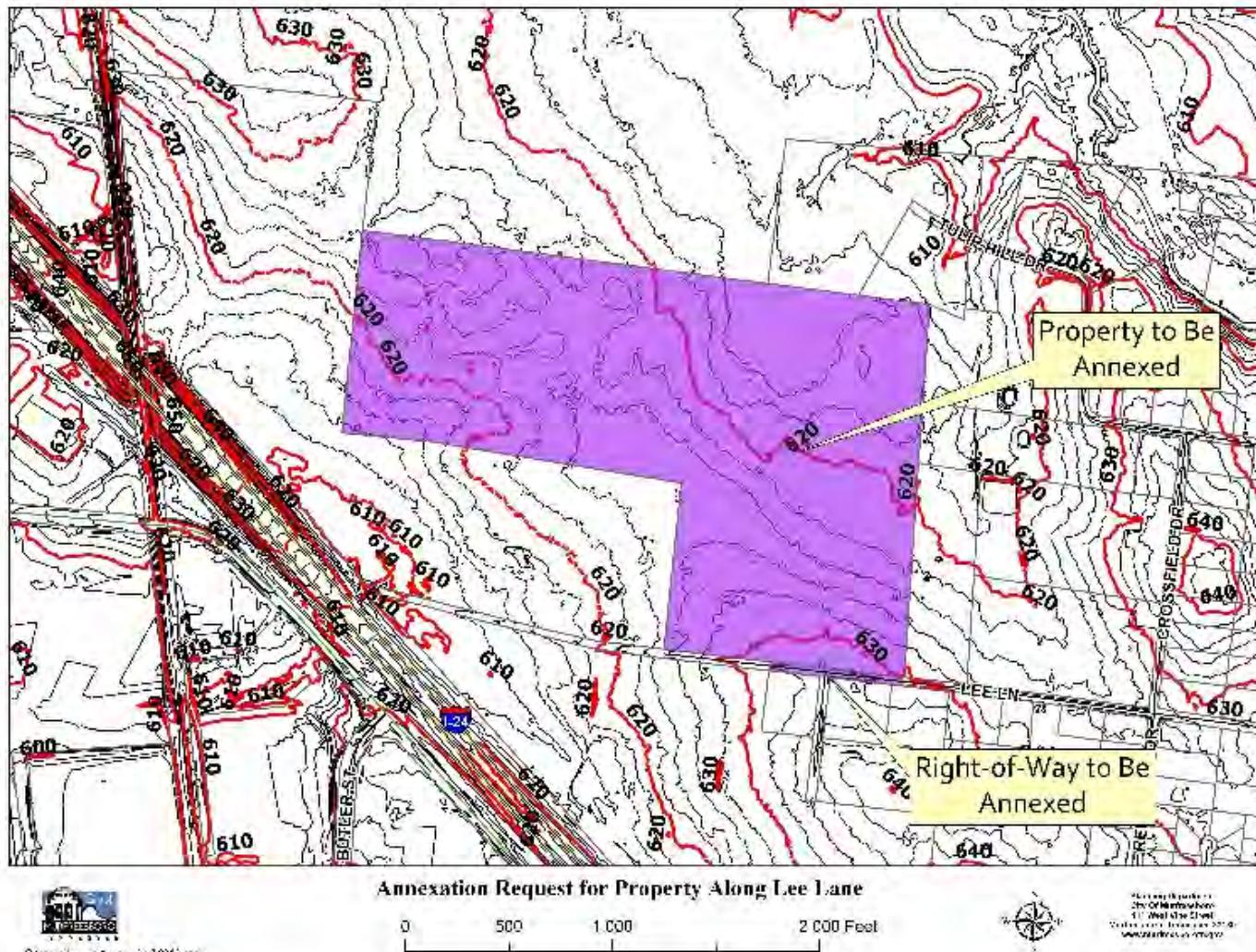
The study area is not located within a floodway or 100-year floodplain as delineated on the Flood Insurance Rate Maps (FIRM) developed by the Federal Emergency Management Agency (FEMA). New development should comply with the City's Stormwater Quality Ordinance including water quality, streambank protection, and detention

The adjacent map shows the floodway boundary in pink and the 100-year floodplain boundary in blue.



PROPERTY AND DEVELOPMENT

Upon annexation, stormwater management services provided by the City will be available to the study area. New development should comply with the City's Stormwater Quality Ordinance including water quality, streambank protection, and detention. The red lines on the adjacent map represent ten-foot contours. The black lines represent two-foot intervals.



STORMWATER MANAGEMENT

Upon annexation, stormwater management services provided by the City of Murfreesboro will be available to the study area and existing and new improvements will be subject to the Stormwater Utility Fee. No existing improvements are included on the subject properties and will not generate revenue for the Stormwater Utility Fund until development occurs.

The subject property is proposed to be developed for a heavy industrial district on approximately 85 acres. Based on this development scenario and property limitations, it is anticipated that the site will generate \$14,706 annually in revenue for the Stormwater Utility Fund including anticipated fee credits upon full buildout.

Public Drainage System

Existing public drainage systems serving the study area are integral to the existing South Rutherford Boulevard. Annualized maintenance costs for drainage systems incidental to the roadways are included within the roadway maintenance costs and are anticipated to be paid from the Stormwater Utility Fee. Any new public drainage facilities proposed to serve the study area in the future must meet City standards.

Regional Drainage System

Approximately the eastern third of the property drains directly to Lytle Creek while the central portion of the site drains northward to an existing cross drain under Rutherford Boulevard and then to Lytle Creek. The southwest portion of the property drains southwestward under CSX Railroad to I-24 ROW and West Fork Stones River.

Lytle Creek is a FEMA studied stream and a portion of the eastern property is within the floodplain and floodway of Lytle Creek. Development must meet the Floodplain Management Regulations including proper elevation and flood hazard reduction of new developments. Lytle Creek must also include a 50-foot Water Quality Protection Area from the top of bank on each side upon development. The WQPA is an undisturbed vegetated buffer providing water quality protections for Lytle Creek. Any modifications to Lytle Creek must include appropriate State and Federal permits.

The area likely includes some areas considered jurisdictional wetlands. Any proposed modifications of wetlands must include appropriate state and federal wetland permits.

A small pond is located adjacent to a CSX spur rail on the northwestern portion of the site. It is unclear as to the jurisdictional status of this pond. If it is jurisdictional water, appropriate permits should be obtained for any proposed modifications.

PLANNING, ENGINEERING, AND ZONING SERVICES

The property will come within the City's jurisdiction for planning and engineering code enforcement immediately upon the effective date of annexation. As new development occurs, the Planning Commission will review all site plans, preliminary, and final plats. Among other duties, the Planning and Engineering Departments will inspect and monitor new construction of streets and drainage structures for compliance with the City's development regulations.

ANNEXATION FOLLOW-UP

The Murfreesboro City Council will be responsible for ensuring that this property will receive City services described in this plan. According to Public Chapter 1101 passed by the Tennessee Legislature, six months following the effective date of annexation, and annually thereafter until all services have been extended, a progress report is to be prepared and published in a newspaper of general circulation. This report will describe progress made in providing City services according to the plan of services and any proposed changes to the plan. A public hearing will also be held on the progress report.

BUILDING AND CODES

The property will immediately come within the City's jurisdiction for code enforcement immediately upon the effective date of annexation. The City's Building and Codes Department will begin issuing building and construction permits and enforcing the codes and inspecting new construction for compliance with the City's construction codes immediately upon the effective date of annexation. The Building and Codes Department will also ensure that any new signs associated with the development of the property comply with the Sign Ordinance. No additional costs are expected.

GEOGRAPHIC INFORMATION SYSTEMS

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

MINUTES OF THE MURFREESBORO PLANNING COMMISSION

JUNE 5, 2019

MEMBERS PRESENT

Kathy Jones, Chair
Ken Halliburton, Vice Chair
Eddie Smotherman
Warren Russell
Ronnie Martin
Jennifer Garland
Chase Salas

STAFF PRESENT

Donald Anthony, Planning Director
Matthew Blomeley, Assistant Director
Margaret Ann Green, Principal Planner
Amelia Kerr, Planner
Sam Huddleston, Executive Dir. of Dev. Services
Carolyn Jaco, Recording Assistant
David Ives, Assistant City Attorney
Austin Cooper, Planner
Jafar Ware, Planner

Chair Kathy Jones called the meeting to order after determining there was a quorum. The minutes of the April 3, 2019, May 1, 2019 and May 15, 2019, Planning Commission meetings were approved as submitted.

Mr. David Ives began by making known the City Administration has requested for the Planning Commission to consider a Mandatory Referral regarding a Memorandum of Understanding (MOU). He explained, a proposal had been made by Rutherford County to lease City owned property at the intersection of Fortress Boulevard and Blaze Drive. The land being considered would be a 50-year lease with Rutherford County. The property consists of 17.6 acres on which Rutherford County proposes to construct a County Clerk Annex, and sublease space to the State of Tennessee, for a second Driver's License office. If approved, the lease would require the County's platting and building process, subject to all City Planning Department, Planning Commission and Codes provisions and approvals.

Mayor Bill Ketron was in attendance to represent the applicant.

Mr. Ken Halliburton made a motion to approve the Mandatory Referral subject to all staff comments, seconded by Mr. Warren Russell. The motion carried by unanimous vote in favor.

Old Business

Annexation plan of services and annexation petition [2019-504] for approximately 3.1 acres located along Shelbyville Pike, Douglas Dales applicant. Ms. Amelia Kerr summarized the staff report, which

MINUTES OF THE MURFREESBORO PLANNING COMMISSION

JUNE 5, 2019

Mr. Ken Halliburton made a motion to approve the zoning request subject to all staff comments, seconded by Mr. Warren Russell. The motion carried by unanimous vote in favor.

Zoning application [2019-412] for approximately 13.04 acres located along New Salem Highway to be rezoned from OG and RM-16 to RS-A (Type 2) and approximately 1.95 acres to be rezoned from RS-15 to RS-6, Tim McClure applicant. Ms. Amelia Kerr summarized the staff report, which had been made available to the Planning Commission in their agenda packet. Ms. Kerr explained that rezoning for this property had been passed on second and final reading at City Council on May 16, 2019. The applicant has submitted a new zoning request to address wetlands on the site. The changes being requested would not increase any number of units to be developed. Also, this request would be consistent with the proposed changes being made to the 2035 Comprehensive Plan future land use map that Staff would be presenting in the coming months.

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

Mr. Warren Russell made a motion to approve subject to all staff comments, seconded by Mr. Ken Halliburton. The motion carried by unanimous vote in favor.

Annexation Petition and Plan of Services [2019-505] for approximately 85 acres located along Lee Lane, James & Virginia Jernigan applicants. Ms. Margaret Ann Green summarized the staff report, which had been made available to the Planning Commission in their agenda packet. Currently, this parcel is undeveloped and has been utilized for agricultural purposes. Included in the agenda packet is an Annexation Feasibility Study and Plan of Services for adoption if approved. This property is contiguous with current City limits and is located within the Urban Growth Boundary.

Chair Kathy Jones opened the public hearing.

1. **Mr. Charles Blevens 1826 Tulip Hill Drive** - opposes the request due to the overwhelming concerns with the ongoing traffic conditions along Elam Road and Joe B. Jackson Parkway.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION

JUNE 5, 2019

2. **Mr. Bruce White 1819 Lee Lane** – opposes the annexation request due to the zoning being considered as HI zone.
3. **Mr. Mike Nnowles 359 Pleasant Run Road Smyrna** - opposes the annexation request due to the zoning being considered as HI zone.
4. **Mr. Eric Plough 2232 Elam Road** – opposes the annexation request due to the zoning being considered as HI zone.
5. **Ms. Mary Braschler 1830 Lee Lane** – opposes the annexation request. Ms. Braschler requested that her neighborhood not be annexed into the City.
6. **Ms. Dianne Parker 2101 Wimbledon Drive** – opposes the annexation request. She asked the following questions to be answered:
 - a. Why did the Planning Commission go against expert advice from the Planning Department to zone the 233 acres and the joining 85 acres to HI zone instead of a PID zone?
 - b. Why did the applicant not conduct a courtesy community meeting about this proposal that would have a major impact to their neighborhood before this request was presented to the Planning Commission? For example, Sazerac, had conducted a neighborhood meeting before their public hearing.
 - c. Why the rush to annex this property?
7. **Mr. Christopher Brown 2004 Crossfield Drive** – opposes the annexation request due to the zoning being considered as HI zone. In addition, he has concerns with traffic, and tractor trailer traffic carrying materials along Lee Lane and Elam Road. If approved, it would allow a gross impact in a negative way to the quality of life for the residents who live in this area.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION

JUNE 5, 2019

8. **Mr. James Jernigan 214 2nd Avenue** – supports the request. Mr. Jernigan made known he was not the only heir whom owns this property. He has been approached several times to sell the property, and he is ready to sell to benefit the workers in Rutherford County.
9. **Ms. Melinda Brown 2004 Crossfield Drive** – opposes the annexation request due to the zoning being considered as HI zone. She has concerns with the impact of HI due to the pressures being made to their community with the increase of industrial traffic.
10. **Ms. Jo Ann Plough 2232 Elam Road** – opposes the annexation request. She made known she was in fear with this annexation due to their homes being annexed in the future. The County residents have no rights with this request and if approved it would only benefit the City. The traffic issues along Elam Road need to be addressed.
11. **Ms. Julie Jernigan** – made known she was a distant heir to the property that was being considered. She is in favor of the annexation request. Her father is not the sole heir of this property. The family heirs have been approached multiple times over the years to sell the property. They deserve the right to sell this property and to decide what they can do with their land.

Chair Kathy Jones closed the public hearing.

Ms. Green began to address the questions with the following:

- If this property was annexed into the City without a companion zoning application, it would have an interim RS-15 zone.
- The City would not annex any neighboring property owners without property owners submitting a petition for annexation.
- Public hearing notifications had been placed in the newspaper, and mailouts were sent to residents whom are 250-feet from the property. Also, signs were placed on the property which makes known a request had been made for annexation and zoning requests.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION

JUNE 5, 2019

- The Major Transportation Plan (MTP) plans to improve Elam Road and a future cross connection on Rutherford Boulevard and Manchester Highway. Funding would have to be provided by the City Council before any road improvements.
- A community meeting had been conducted for Sazerac due to a specific user for a PID. This annexation request being considered is speculative zoning with an anticipated use.
- The proposed application is not being rushed any faster than other application standards. The Planning Department has a formalized submittal process and notification process, and this application has met all requirements for City Council to consider for adoption. In addition, this application would have a second public hearing for the public to speak at City Council.

Mr. Sam Huddleston came forward to make known road improvements were needed for this area between Manchester Highway and Rutherford Boulevard and at Elam Road and Joe B Jackson Parkway. The City could benefit from Tennessee Department of Transportation (TDOT) plans to signalize the Joe B. Jackson Parkway and Interstate 40 interchange. Elam Road and Manchester Highway could benefit from improvements along Rutherford Boulevard. At this time, there are no specific dates for road improvements to the area. City Staff is pursing these projects with TDOT. There is a lot of undeveloped land in these areas and any development that would occur on this property would trigger additional needs to address traffic.

Mr. Ronnie Martin asked, on the 2040 Major Transportation Plan, was this area being shown as a mid-term road improvement. With a zoning change to HI would this change the mid-term improvements to short-term improvements? Mr. Sam Huddleston explained, the infrastructure should progress with development. The Capital Improvement Plan (CIP) is short term being up to 5 years that would start when a project is recommended by Staff for significant road improvements within an area.

Mr. Warren Russell wanted to know if there would be any changes made to Lee Lane with this proposal. Mr. Huddleston made known the MTP addresses only major routes. Any improvements to Lee Lane would be with any future community needs.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION

JUNE 5, 2019

Mr. Ronnie Martin made a motion to approve the Annexation Petition and Plan of Services, seconded by Ms. Jennifer Garland. The motion carried by unanimous vote in favor.

Zoning application [2019-411] for approximately 85 acres located along Lee Lane to be zoned H-I simultaneous with annexation, Brian Berryman applicant. Ms. Margaret Ann Green summarized the staff report, which had been made available to the Planning Commission in their agenda packet. Ms. Green made known that a chart of uses had been included in the agenda packet to show the types of uses that would be permitted if approved as a HI zone.

Mr. Rob Molchan, Mr. John Harney and Mr. Jeff Reid were in attendance to represent the applicant. Mr. Rob Molchan came forward and distributed an addendum map which shows modifications to the property. Mr. Molchan began a power point presentation from the applicant's submittal. He explained the property towards the east would remain as an RS-15 zone with a width of 40 feet. Behind the RS-15 zone would be an additional 20-feet, with a Type E landscaping buffer. The changes would be a total of 60-foot barrier buffer between the HI property and the County residential area towards the east. The applicant is proposing a corporate campus for office jobs, and industrial jobs. Continuing, Mr. Molchan made known there would be uses restricted on the plat and uses restricted by covenants. Lastly, he explained the main access point would be onto South Rutherford Boulevard, and the site would have access to a CSX rail spur. Traffic studies would be provided during the applicant's site plan submittal and master plan submittal.

Chair Kathy Jones opened the public hearing.

1. **Mr. Don Bolton 2003 Tulip Hill Drive** – opposes the zoning request due to the increase in traffic and noise. He requested for a traffic signal be placed at Elam Road.
2. **Mr. Robert Peay 4047 Bivens Hill Road** – requested for the Planning Commission to accommodate the residents by addressing the noise pollution and traffic problems, and not to allow thru traffic within the residential areas.
3. **Ms. Dianne Parker 2101 Wimbledon Drive** – opposes the request. If the zoning is approved she requested for the buffer to be increased. Again, why is the HI request being considered when

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
JUNE 5, 2019**

5.d. Zoning application [2018-411] for approximately 85 acres located along Lee Lane to be zoned H-I simultaneous with annexation, Brian Berryman applicant. (project planner- Margaret Ann Green).

The subject property is located along the north side of Lee Lane, adjacent to 123 acres of property that was recently considered for annexation and rezoning to H-I (Heavy Industrial District). The property consists of approximately 85 acres and includes one parcel identified on Tax Map 113 as parcel 014.00.

The subject property is located within unincorporated area of Rutherford County and is zoned RM (Medium Density Residential). The surrounding properties are mostly residential and agricultural properties. Along Lee Lane are existing, large-lot, single-family dwellings. The large properties to the north and west are currently used for agricultural purposes. The properties to the west are bounded by CSX railroad and Interstate 24.

The owners of the property have petitioned the City to annex the unincorporated property. The applicant for the zoning change is Brian Berryman and he has requested the property be zoned H-I (Heavy Industrial District) simultaneous with annexation. The developer has not made staff aware of specific development plans for the property.

Heavy Industrial District:

This industrial district is intended to provide areas in which the principal uses permitted are manufacturing, wholesaling, or warehousing and which are accessible to major transportation routes. The Heavy Industrial District is our most permissive industrial zone. The uses permitted in this district, the special uses that may be allowed in this district, and the uses for which site plan review and approval are provided as an excerpt from Chart 1 of the Zoning Ordinance. The minimum lot width is 50-feet and the setbacks are 42-feet from the front lots lines, 10-feet from the side lots lines and 20-feet from the rear lot lines.

The Planning Director recommends that any approval of the proposed rezoning be made contingent on the applicant recording a subdivision plat that restricts the following uses on the subject property:

- Manufacture, Storage, Distribution of:
 - Composting Facility
 - Explosives

- Fertilizer
- Fireworks
- Leather and Leather Products, Tanning and Finishing
- Paper Mills
- Petroleum and Coal Products Refining
- Radioactive Materials
- Manufacture of Chemicals
- Junkyard
- Crematory
- Livestock Auction
- Pet Crematory
- Landfill
- Automobile graveyard

The subdivision plat shall be submitted for review and recorded prior to the City Council holding a second reading of the rezoning request. Subsequent re-subdivisions of the subject property shall include these use restrictions.

Future Land Use Map

The Murfreesboro 2035 Future Land Use Map indicates that Suburban Residential Character is the most appropriate community character classification for the subject property. The proposed zoning does not appear to allow uses that are consistent with the Future Land Use Map.



MAP 4.2

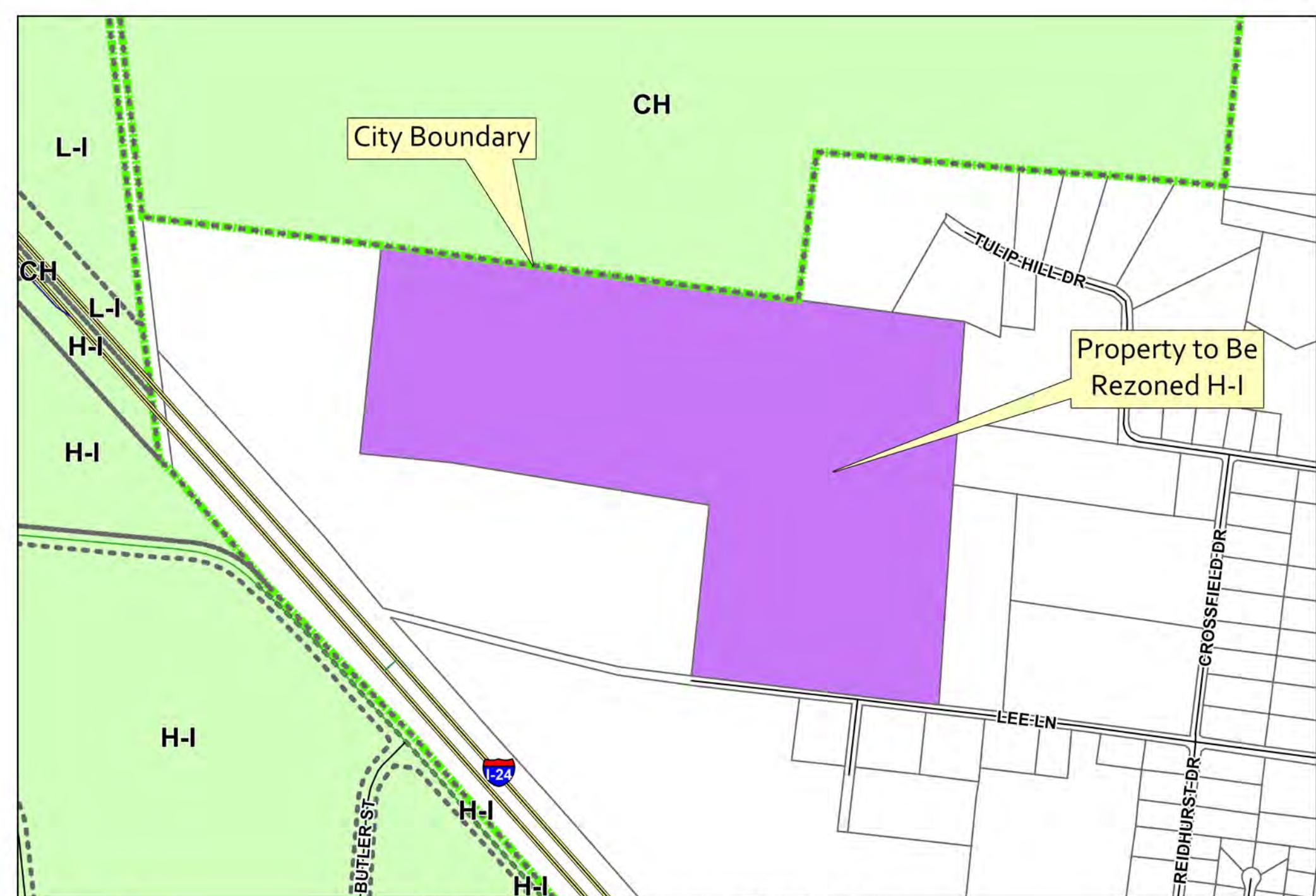
Future Land Use Map

LAND USES	
<i>Proposed Land Uses</i>	
	Undeveloped
	Parks
	Suburban Estate
	Suburban Residential
	Auto Urban Residential
	Multi Family Residential
	General Commercial
	Neighborhood Commercial
	Urban Commercial / Mixed Use
	Central Business District
	Business Park
	Light Industrial
	Heavy Industrial
	Public / Institutional

This community character classification is very different from the Urban and Auto-Urban (General) residential character categories. As new development continues around the City's periphery, a lower density Suburban Residential (SR) development will help to transition rural and urban development. This character type includes small acreages or large lot estate development, or may also be smaller lots clustered around common open space.

As in the case of many neighborhoods in Murfreesboro, particularly those in West Murfreesboro, or those that currently abut vacant land, the adjacent views that contribute to a semi-rural character are temporary, rather than permanent. The natural open space and views of the landscape are "borrowed" from the adjoining land. Consequently, as additional development occurs abutting these existing neighborhoods, the character will change. This is an important consideration as to the design of new subdivisions and whether they use the adjacent land or incorporate permanent open space into the development to sustain its original character. One means of achieving this character is by clustering development, thereby maintaining an equal or higher density while preserving permanent open space.

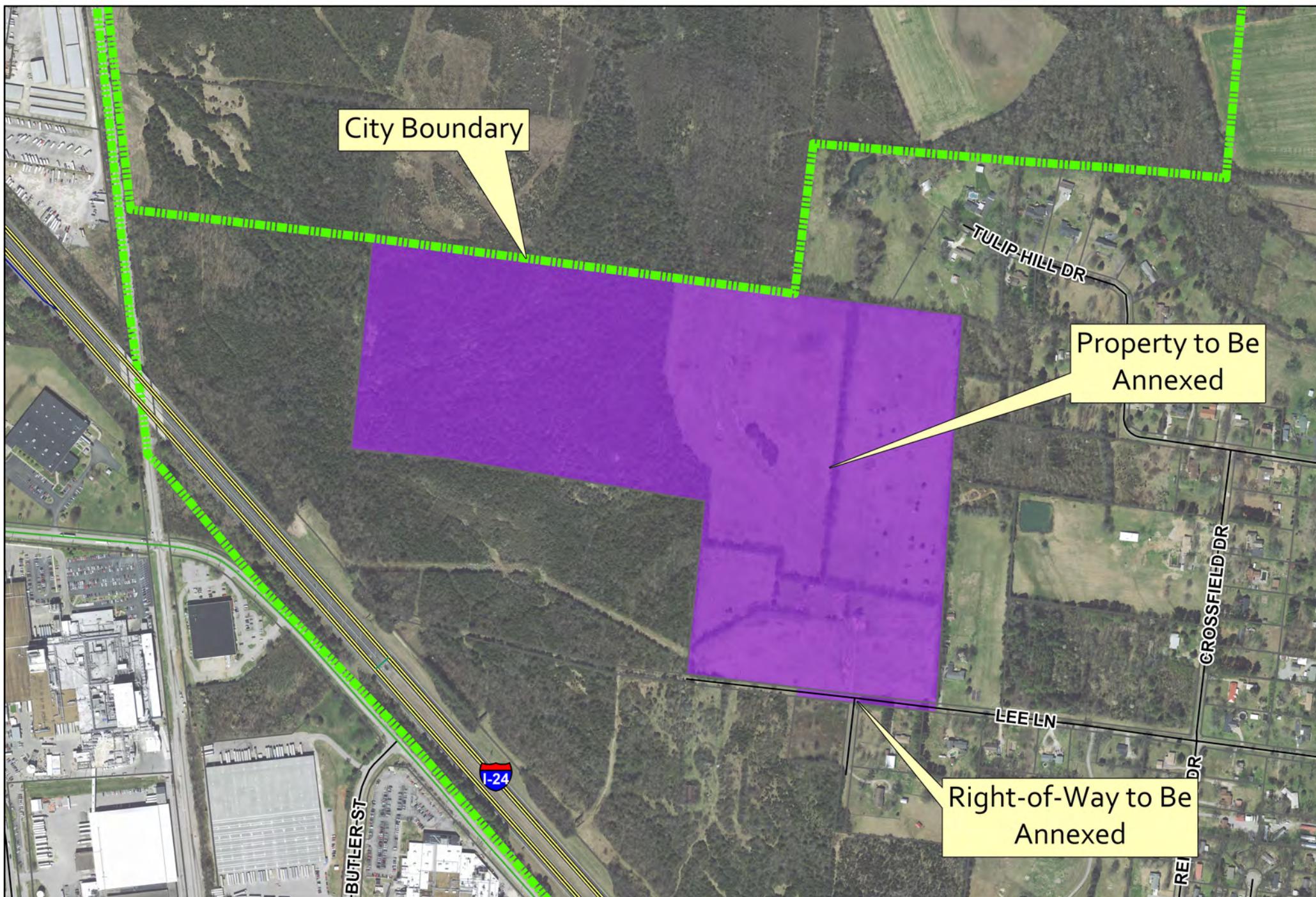
The Planning Commission will need to conduct a public hearing on the matter of the Heavy Industrial zone request, after which it will need to discuss this matter and then formulate a recommendation for City Council.



**Rezoning Request for Property Along Lee Lane
H-I Simultaneous with Annexation**

0 500 1,000 2,000 Feet





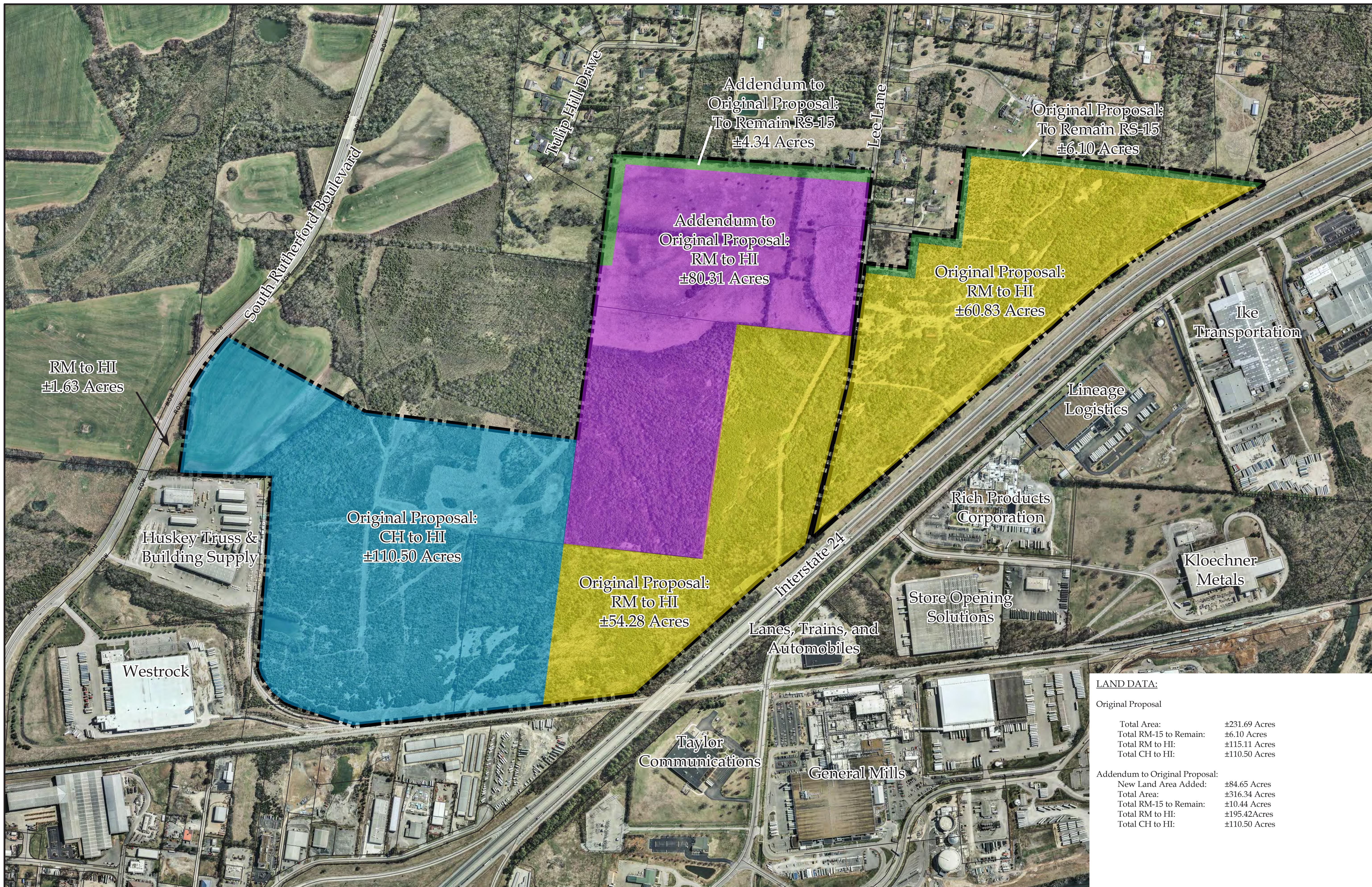
Annexation Request for Property Along Lee Lane



G:\annex\Lee Ln Annex - April 2019.aprx



Planning Department
City of Murfreesboro
111 West Vine Street
Murfreesboro, Tennessee 37130
www.murfreesboron.gov



South Rutherford Boulevard

Murfreesboro, TN

Concept Plan

C1.0

SEC, Inc.

SITE ENGINEERING CONSULTANTS

ENGINEERING • SURVEYING • LAND PLANNING

LANDSCAPE ARCHITECTURE

MURFREESBORO, TENNESSEE

PHONE: 615.890.7600 FAX: 615.895.3567

NO PORTION OF THIS DRAWING MAY BE REPRODUCED WITHOUT THE EXPRESSED WRITTEN CONSENT OF SEC, INC.

The site as shown on these construction drawings is intended to achieve specific engineering design criteria and objectives. It is the sole responsibility of the engineer to determine the suitability of the site for the proposed use. The engineer assumes no administrative liability or responsibility for the design as noted, described, and illustrated. The engineer assumes no administrative liability or responsibility for the design as noted, described, and illustrated. The engineer assumes no administrative liability or responsibility for the design as noted, described, and illustrated. The engineer assumes no administrative liability or responsibility for the design as noted, described, and illustrated. The engineer assumes no administrative liability or responsibility for the design as noted, described, and illustrated. The engineer assumes no administrative liability or responsibility for the design as noted, described, and illustrated.

LAND DATA:

Original Proposal

Total Area: ±231.69 Acres
Total RM-15 to Remain: ±6.10 Acres
Total RM to HI: ±115.11 Acres
Total CH to HI: ±110.50 Acres

Addendum to Original Proposal:

New Land Area Added: ±84.65 Acres
Total Area: ±316.34 Acres
Total RM-15 to Remain: ±10.44 Acres
Total RM to HI: ±195.42 Acres
Total CH to HI: ±110.50 Acres

DRAWN: SWL	DATE: 01/11/2019
REVISION:	CHECKED:
REVISION:	FILE NAME:
REVISION:	RSM
REVISION:	FILE NAME:
REVISION:	Road-04
REVISION:	SCALE:
REVISION:	1" = 300'
REVISION:	JOB NO.
REVISION:	N/A
REVISION:	SHEET:



Creating a better quality of life

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

Zoning & Rezoning Applications – other than rezoning to planned unit development	\$700.00
Zoning & Rezoning Applications – Planned Unit Development, initial or amended	\$950.00

Procedure for applicant:

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

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

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

To be completed by applicant:

APPLICANT: B&T, LLC

Address: 900 Cpt Joe Fulghum City/State/Zip: Murfreesboro, TN 37129

Phone: 615-890-8075 E-mail address: bcberryman@comcast.net

PROPERTY OWNER: James Jernigan Jr Etux Virginia Jernigan

Street Address or property description: Along north side of Lee Lane

and/or Tax map #: 113 Group: Parcel (s): 14.00

Existing zoning classification: CH (RM-COUNTY)[RM-COUNTY]

Proposed zoning classification: H-I Acreage: 84.7

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

E-mail: MTAYLOR@SEC-CIVIL.COM

APPLICANT'S SIGNATURE (required): *By Brian Bay, Member*

DATE: 4-3-19

Received
Planning Department

APR 11 2019

111 West Vine Street
Murfreesboro, TN 37130

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

Date received:

MPC YR.:

MPC #: 2019-414 | 2019-505

Amount paid:

700.00 Rezon

Receipt #:

2934615

500.00 Annex

2934617

Revised 7/20/2018



Suburban Residential Character (SR)

SUBURBAN RESIDENTIAL CHARACTER (SR)

This community character classification is very different from the Urban and Auto-Urban (General) residential character categories. As new development continues around the City's periphery, a lower density Suburban Residential (SR) development will help to transition rural and urban development. This character type includes small acreages or large lot estate development, or may also be smaller lots clustered around common open space.

As in the case of many neighborhoods in Murfreesboro, particularly those in West Murfreesboro, or those that currently abut vacant land, the adjacent views that contribute to a semi-rural character are temporary, rather than permanent. The natural open space and views of the landscape are "borrowed" from the adjoining land. Consequently, as additional development occurs abutting these existing neighborhoods, the character will change. This is an important consideration as to the design of new subdivisions and whether they use the adjacent land or incorporate permanent open space into the development to sustain its original character. One means of achieving this character is by clustering development, thereby maintaining an equal or higher density while preserving permanent open space.

Development Types:

- ▶ Detached residential dwellings.
- ▶ Planned developments to provide other housing types (e.g., Auto-Urban attached residential) but with increased open space to preserve a suburban character setting.

Characteristics:

- ▶ Similar to Auto-Urban (General) Residential category, there is noticeable accommodation of the automobile on sites. Garages are typically integrated into the front facade of the dwelling with driveways on the side of homes or occupying a portion of the front yard space.

- ▶ Development options can be established which allow for smaller lot sizes in exchange for greater open space, with the additional open space devoted to maintaining the Suburban character and buffering adjacent properties and roads.

Density / Height Guidelines:

- ▶ 2.0 to 3.54 dwelling units per acre (DU/ac).

City Zoning Districts:

- ▶ Single Family Residential Districts:
 - RS-15
 - RS-12
 - RS-10



Heavy Industrial Character (HI)

CLASS: HEAVY INDUSTRIAL (I)

Having an area that can accommodate more traditional, heavy industry can be an important component of a successful economic development strategy. The Industrial use classification combines activities of both light and heavy industry. Uses such as office / warehouse, wholesale, product assembly, and light manufacturing are included with heavier uses that often include outdoor storage, display and work activity.

Development Types:

- ▶ Heavy and light industrial;
- ▶ Heavy commercial (i.e., retail sales involving larger merchandise or vehicles, often with significant outdoor display areas, such as a large home improvements store or lumber supply yard);
- ▶ Office uses accessory to a primary industrial use.

Characteristics:

- ▶ Typically auto-oriented character, although master-planned industrial park developments may feature more open space and landscaping, regulated signage, screening, building design standards, etc.;
- ▶ Outdoor activity and storage, which should be screened where visible from public ways and residential areas;
- ▶ May involve significant truck traffic or direct rail service;
- ▶ On-site presence of large-scale moving equipment in some cases;
- ▶ Potential for environmental impacts that may affect the proximity and type of adjacent uses, including particulate emissions, noise, vibrations, smells, etc., plus the risk of fire or explosion depending on the materials handled or processed;
- ▶ Certain intensive publicly-owned uses (e.g., public works facilities, fleet maintenance, treatment plants, fire training) are best sited within Industrial areas.

- ▶ Required 10-15 percent landscape surface ratio, equivalent to City's Bufferyard E composition along all edges of property.

Siting Criteria:

1. Availability of Utilities Infrastructure, e.g., the ancillary services required in the operation of any production process.
2. Industrial uses should have access to major roadways and rail spurs, and cost-saving infrastructure such as dedicated water supplies, waste systems and electric power systems.

Intensity / Height Guidelines:

0.25 to 0.50 FAR for uses with a limited number of employees and customers, such as warehouses / up to three (3) stories.

City Zoning Districts:

- ▶ Heavy Industrial District (H-I)
- ▶ Planned Industrial District (PID)

CHART 1.

USES PERMITTED BY ZONING DISTRICT.

APPENDIX A - ZONING

Revised: 04/12/18

Chart 1
Page 1 of 9

USES PERMITTED ³		ZONING DISTRICTS																								
		RS 15	RS 12	RS 10	RS 8	RS 6	RS 4	RD	RM 12	RM 16	RS-A	RM-O	OG-R ²	OG ²	CL ²	CF ^{2,14}	CH ²	MLU ²	CBD ²	HL ²	L ²	CU	P			
DWELLINGS																										
Single-Family detached	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X		
Single-Family attached								X	X	X	X	X	X	X	X											
Two-Family								X	X	X			X	X												
Three-Family									X	X			X	X												
Four-Family									X	X			X	X												
Multiple-Family									X ²¹	X ²¹							X ²¹	X ²¹							X	
OTHER HOUSING																										
Accessory Apartment	S ⁸	S ⁸	S ⁸	S ⁸	S ⁸	S ⁸	S ⁸			S ⁸			X ¹	X ¹	X ¹	X ¹	X ¹	X ¹	X ¹	X ¹						
Accessory Dwelling Unit																										
Assisted-Care Living Facility ¹⁵								S	X	X	X		X	X	X	X	X	X	X	X	X	X	X	S		
Bed-and-Breakfast Homestay	S	S	S	S	S	S	S	S	S	X	S	S	S	X	X	X	X	X	X	S	S	S	S	X		
Bed-and-Breakfast Inn	S	S	S	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	X	S	S	S	S	S		
Boarding House ¹⁵								S	S	X	X	S	S	X	X	X	X	X						S	S	X
Emergency Shelter	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Extended Stay Hotel/Motel																										
Family Crisis Shelter													S	S	S	S	S	S	S	S	S	S	S	S	S	
Family Violence Shelter								S	S			S	S	S	X	X		X	X	X	S	S	S	S	S	
Fraternity/Sorority												S	S	S	S	S	S				S	S	S	S	S	
Group Shelter								S	S			S	S	S	S	S	S	S								
Class I Home for the Aged ¹⁵	S	S	S	S	S	S	S	S	X	X	X	X	X	X	X	X	X	X	X	S	S	S	S	S		
Class II Home for the Aged ¹⁵	S	S	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	X	X	S	S	S	S	S		
Class III Home for the Aged ¹⁵								S	S			S	S	X	X	X	X	X	X	S	S	S	S	S		
Hotel																				X	X	X	X	X	X	
Mission ¹⁰																				S	S					
Mobile Homes													X													
Motel																			X	X	X	X	X			
Rooming House								S	S	S								X			S	S	X			
Student Dormitory									S	S	S		S	S							S	S	X			
Transitional Home								S	S	S		S	S							S	S					
INSTITUTIONS																										
Adult Day Care Center	S	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	X	X	X	X	X	S	X	X		
Adult Day Care Home	S	S	S	S	S	S	S	S	S	S	S	S	X	S	X	X	X	X	X	X	X	X	X	X		
Airport, Heliport	S	S	S	S	S	S	S	S	S	S	S	S				S		S	S	S	S	S	S	S		
Cemetery, Mausoleum	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		
Church ¹³	S	S	S	S	S	S	S	S	X	X	S	S	S	X	X	X	X	X	X	X	S	S	X	X		
College, University													X	X			X				X		X	X		

X = Use permitted by right.

S = Use requiring site plan review and approval subject to the issuance of a special use permit in accordance with the provisions of Sections 8 and 9 of this article.

Chart 1
Page 2 of 9

USES PERMITTED ³	ZONING DISTRICTS																								
	RS 15	RS 12	RS 10	RS 8	RS 6	RS 4	RD	RM 12	RM 16	RSA	R MO	OG R ²	OG ²	CL ²	CF ^{2,14}	CH ²	MU ²	CBD ²	HI ²	LI ²	CM-RS-8 ²	CM-R ²	CM ²	CU	P
Day-Care Center										S	S	S	S	X	X	X	X	X	X	S	S	S			
Family Day-Care Home	S	S	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	X	S	S	S	S	X		
Group Day-Care Home	S	S	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	X	X	S	S	S	S	X	
Hospital											X	X				X	X	X	X	X	X	X	X	X	
Lodge, Club, Country Club ¹³	S	S	S	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	X	S	S	S	S	S	
Mental Health Facility												X	X	X	X	X	X	X	X	X	X	X	X	X	
Morgue																X	X			X	X	X	X	X	
Museum							S	S	S		S	S	S	X	X	X	X	X	X	S	S	S	S	S	
Nursing Home											X	X	S	S	S	X	X	X	X	X	X	X	X	X	
Nursery School							S	S	S	S	S	S	S	S	S	S	X	S	S	S	S	S	S	X	
Park	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Philanthropic Institution							S	S	S					X	X	X	X	X	X	X	X	X	X	X	
Pet Cemetery	S	S	S													S	S		S	S					
Public Building ¹³	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	X	S	S	S	X	
Recreation Field ¹³	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	X	S	S	S	X	
Senior Citizens Center	S	S	S	S	S	S	S	X	X	S		X	X	X	X	X	X	X	X	S	X	X			
School, Public or Private, Grades K - 12 ¹³	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	X	S	S	S	X	
Student Center								S	S		S	S	S	S	S	S	X			S	S				
AGRICULTURAL USES																									
Customary General Farming	X ⁶	X ⁶	X ⁶	X ⁶	X ⁶	X ⁶	X ⁶	X ⁶	X ⁶	X ⁶	X ⁶	X ⁶	X ⁶	X ⁶	X ⁶	X		X	X			X	X		
Crop, Soil Preparation Agricultural Services	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	X	X		X	X		X	X		
Farm Labor and Management Services																X	X	X	X	X	X	X	X		
Fish Hatcheries and Preserves																X					X	X			
Grain, Fruit, Field Crop and Vegetable																									
Cultivation and Storage	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X				X	X			X		
Hunting, Trapping, and Game Propogation																									
Livestock, Horse, Dairy, Poultry, and Egg Products	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			X	X			X			
Timber Tracts, Forest Nursery, Gathering of Forest Products	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			X	X						
COMMERCIAL																									
Adult Cabaret																	X ⁹								
Adult Entertainment Center																	X ⁹								
Adult Motel																	X ⁹								
Adults-Only Bookstore																	X ⁹								
Adults-Only Motion Picture Theater																	X ⁹								
Amusements, Commercial Indoor																	X	X	X	X	X	X	S		

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Chart 1
Page 3 of 9

Revised: 04/12/18

USES PERMITTED ³	ZONING DISTRICTS																								
	RS 15	RS 12	RS 10	RS 8	RS 6	RS 4	RD	RM 12	RM 16	RSA	R MO	OG R ²	OG ²	CL ²	CF ^{2,14}	CH ²	MU ²	CBD ²	HI ²	LI ²	CM-RS-8 ²	CM-R ²	CM ²	CU	P
Amusements, Commercial Outdoor excluding Motorized																	X	X							
Amusements, Commercial Outdoor Motorized except Carnivals																		S	S						
Animal Grooming Facility																X	X	X	X	X					
Antique Mall																X	X	X	X	X					
Antique Shop <3,000 sq. ft.											X	X	X	X	X	X	X	X	X	X					
Apothecaries (pharmaceuticals only)											X	X	X	X	X	X	X	X	X	X	X	X	X		
Art or Photo Studio or Gallery											X	X	X	X	X	X	X	X	X	X	X	X	X		
Automotive Repair ¹²																X	X		X	X					
Bakery, Retail																X	X	X	X	X					
Bank, Branch Office											X	X	X	X	X	X	X	X	X	X					
Bank, Drive-Up Electronic Teller											X	X	X	X	X	X	X	X	X	X					
Bank, Main Office																X	X	X	X	X					
Barber or Beauty Shop											X	X	X	X	X	X	X	X	X	X					
Beer, Packaged												X	X	X	X	X	X	X	X	X					
Boat Rental, Sales, or Repair																X			X	X					
Book or Card Shop												X	X	X	X	X	X	X	X	X					
Business School												X	X		X	X	X	X	X	X					
Business and Communication Service												X	X	X	X	X	X	X	X	X					
Campground, Travel-Trailer Park																X			X	X					
Carnivals																S		S	S	S				S	
Catering Establishment											X	X	X	X	X	X	X	X	X	X					
Clothing Store												X	X	X	X	X	X	X	X	X					
Coffee, Food, or Beverage Kiosk												X	X	X	X	X	X	X	X	X					
Commercial Center												X	X	X	X	X	X	X	X	X					
Convenience Sales and Service, maximum 5,000 sq. ft. floor area												X	X	X	X	X	X	X	X	X					
Crematory																		S	S						
Delicatessen												X	X	X	X	X	X	X	X	X					

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Chart 1
Page 4 of 9

USES PERMITTED ³	ZONING DISTRICTS																							
	RS 15	RS 12	RS 10	RS 8	RS 6	RS 4	RD	RM 12	RM 16	RS-A	R MO	OG R ²	CL ²	CF ^{2,14}	CH ²	MU ²	CBD ²	HI ²	LI ²	CM-RS-8 ²	CM-R ²	CM ²	CU	P
Department or Discount Store														X	X	X	X	X	X					
Drive-In Theater														X	X	X	X	X	X					
Dry Cleaning														X	X	X	X	X	X					
Dry Cleaning Pick-Up Station														X	X	X	X	X	X					
Financial Service														X	X	X	X	X	X					
Fireworks Public Display															S			S	S					X
Fireworks Retailer																S	S	S	S					
Fireworks Seasonal Retailer														X	X	X	X	X	X					
Flower or Plant Store														X	X	X	X	X	X					
Funeral Home														S	X	X		X	X					
Garage, Parking																X	X	X	X					
Garden and Lawn Supplies															S	X	X	X	X					
Gas-Liquified Petroleum, Bottled and Bulk															X				X					
Gas Station															X	X	X	X	X					
General Service and Repair Shop																X	X	X	X					
Glass--Auto, Plate, and Window																X	X		X					
Glass--Stained and Leaded															X	X	X	X	X					
Greenhouse or Nursery																X	X		X					
Group Assembly, <250 persons														S	S	X	X	X	X	S	S	S	S	
Group Assembly, >250 persons														S	S	S	S	S	S	S	S	S	S	
Health Club														X	X	X	X	X	X	X	X	X	X	
Ice Retail																X	X	X	X	X				
Interior Decorator														X	X	X	X	X	X	X	X	X	X	
Iron Work																	X			X				
Janitorial Service																X	X	X	X	X				
Karate, Instruction															X	X	X	X	X	X				
Kennels																X				X	X			
Keys, Locksmith																X	X	X	X	X	X			
Laboratories, Medical														X	X	X		X	X	X	X	X	X	
Laboratories, Testing																X	X	X		X	X			
Laundries, Self-Service														X	X	X				X				
Lawn, Tree, and Garden Service																X				X	X			
Liquor Store															X	X	X	X	X	X				
Livestock, Auction																				X	X			
Lumber, Building Material																X				X	X			
Manufactured Home Sales																				X				
Massage Parlor																				X ⁹				
Mobile Home Sales																				X				

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Chart 1
Page 5 of 9

USES PERMITTED ³	ZONING DISTRICTS																												
	RS 15	RS 12	RS 10	RS 8	RS 6	RS 4	RD	RM 12	RM 16	RS-A	R MO	OG R ²	OG ²	CL ²	CF ^{2,14}	CH ²	S	S	MU ²	CBD ²	H ²	L ²	CM-RS-8 ²	CM-R ²	CM ²	CU	P		
Motor Vehicle Sales (Automobiles)																				X ³	X ³								
Motor Vehicle Sales (Other Than Automobiles)																	S	S			X	X							
Motor Vehicle Service ¹²																	X	X			X	X							
Movie Theater																	X	X	X	X	X	X							
Music or Dancing Academy																	X	X	X		X	X							
Offices																X	X	X	X	X	X	X	X	X ⁵	X ⁵	X ⁵			
Optical Dispensaries																X	X	X	X	X	X	X	X	X	X	X			
Pawn Shop																	X	X	X	X	X	X							
Personal Service Establishment																X	X	X	X	X	X	X							
Pet Crematory																				S	S								
Pet Funeral Home																	X	X			X	X							
Pet Shops																	X	X	X	X	X	X							
Pharmacies																X	X	X	X	X	X	X	X	X	X	X			
Photo Finishing																	X	X	X	X	X	X							
Photo Finishing Pick-Up Station																	X	X	X	X	X	X							
Radio, TV, or Recording Studio																		X	X	X	X	X	X						
Radio and Television Transmission Towers																	S	S	S	S	S	S	S						
Rap Parlor																				X ⁹									
Reducing and Weight Control Service																	X	X	X	X	X	X	X	X	X	X	X		
Restaurant and Carry-Out Restaurant																	X	X	X	X	X	X	X						
Restaurant, Drive-In																		X				X	X						
Restaurant, Specialty																	X	X	X	X	X	X	X						
Restaurant, Specialty -Limited																	S	S	X	X	X	X	X	S	S	S			
Retail Shop, other than enumerated elsewhere																		X	X	X	X	X	X						
Salvage and Surplus Merchandise																		X				X	X						
Sauna																				X ⁹									
Sheet Metal Shop																		X				X	X						
Shopping Center, Community																		X	X	X	X	X	X						
Shopping Center, Neighborhood																		X	X	X	X	X	X						
Shopping Center, Regional																		X	X	X	X	X	X						
Specialty Shop																	X	X	X	X	X	X	X	X	X	X			
Tavern																		X		X	X	X	X						
Taxidermy Studio																		S		S	S								
Towing ¹²																	X		X	X	X								

X = Use permitted by right.

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APPENDIX A - ZONING

Revised: 04/12/18

Chart 1
Page 6 of 9

USES PERMITTED ³	ZONING DISTRICTS																								
	RS 15	RS 12	RS 10	RS 8	RS 6	RS 4	RD	RM 12	RM 16	RS-A	R MO	OG R ²	CL ²	CF ^{2,14}	CH ²	MU ²	CBD ²	HI ²	LI ²	CM-RS-8 ²	CM-R ²	CM ²	CU	P	
Veterinary Office												X	X	X	X			X	X						
Veterinary Clinic													X	X	X			X	X						
Veterinary Hospital														X	X	X		X	X						
Vehicle Sales (Non-Motorized)															X	X	X	X	X						
Vehicle Wash														X	X	X		X	X						
Video Rental													X	X	X	X	X	X	X						
Wholesaling														X	X	X		X	X						
Wireless Telecommunications Towers, Antennas ¹⁷	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		
Wrecker Service ¹²															X			X	X						
Wrecker Service Storage Yard ¹²														X			X	X							
INDUSTRIAL																									
Manufacture, Storage, Distribution of:																									
Abrasive Products																									
Alcoholic Beverage Manufacture																									
Animal or Poultry Slaughter, Stockyards, Rendering																									
Asbestos Products																									
Automobile Dismantlers and Recyclers ⁷																									
Automobile Manufacture																									
Automobile Parts and Components Manufacture																									
Automobile Seats Manufacture																									
Bakery Goods																									
Boat Manufacture																									
Bottling Works																									
Brewery																									
Candy																									
Canned Goods																									
Chemicals																									
Composting Facility																									
Contractor's Storage, Indoor															X	X	X	X							
Contractor's Yard or Storage, Outdoor															X	X	X	X							
Cosmetics																									
Custom Wood Products															X	X	X								
Electrical or Electronic Equipment, Appliances, and Instruments																									
Explosives																									

X = Use permitted by right.

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Chart 1
Page 7 of 9

USES PERMITTED ³	ZONING DISTRICTS																						
	RS 15	RS 12	RS 10	RS 8	RS 6	RS 4	RD	RM 12	RM 16	RSA	R MO	OG R ²	OG ²	CF ^{2,14}	CH ²	CBD ²	H ²	MU ²	LI ²	CM-RS ²	CM-R ²	CM ²	CU
Fabricated Metal Products and Machinery															X	X							
Fertilizer															X								
Fireworks															S								
Food and Beverage Products except animal slaughter, stockyards, rendering, and brewery															X								
Furniture and Fixtures															X								
Jewelry															X	X							
Leather and Leather Products except tanning and finishing															X	X							
Leather and Leather Products, Tanning and Finishing															X								
Lumber and Wood Products															X								
Metal or Rubber Stamps															X	X							
Mobile Home Construction															X								
Musical Instruments															X	X							
Novelties															X	X							
Office/Art Supplies															X	X							
Paints															X								
Paper Mills															S								
Paper Products excluding paper and pulp mills															X								
Petroleum, Liquified Petroleum Gas and Coal Products except refining															S								
Petroleum and Coal Products Refining															S								
Pharmaceuticals															X	X							
Photographic Film Manufacture															X								
Pottery, Figurines, and Ceramic Products															X	X							
Primary Metal Distribution and Storage															X								
Primary Metal Manufacturing															X								
Printing and Publishing															X	X	X	X	X	X			
Pulp Mills																							
Radioactive Materials															S								
Rubber and Plastic Products except rubber or plastic manufacture															X								
Rubber and Plastic Products, Rubber and Plastic Manufacture															X								
Saw Mills															X								
Scrap Processing Yard															S								

X = Use permitted by right.

S = Use requiring site plan review and approval subject to the issuance of a special use permit in accordance with the provisions of Sections 8 and 9 of this article.

Chart 1
Page 8 of 9

USES PERMITTED ³	ZONING DISTRICTS																						
	RS 15	RS 12	RS 10	RS 8	RS 6	RS 4	RD	RM 12	RM 16	RSA	R MO	OG R ²	OG ²	CF ^{2,14}	CH ²	CL ²	CBD ²	H ²	LI ²	CM-RS ²	CM ²	CU	RP
Scrap Metal Processors															S		S		S		S		
Scrap Metal Distribution and Storage															S		S		S		S		
Secondary Material Dealers															X		X		X		X		
Silverware and Cutlery															X		X		X		X		
Small Moulded Metal Products															X		X		X		X		
Soap															X		X		X		X		
Sporting Goods															X		X		X		X		
Stone, Clay, Glass, and Concrete Products															X		X		X		X		
Textile, Apparel Products, Cotton--Factoring, Grading															X		X		X		X		
Textile, Apparel Products, Cotton Gin															X		X		X		X		
Tire Manufacture															X		X		X		X		
Tobacco Products															X		X		X		X		
Toiletries															X		X		X		X		
Toys															X		X		X		X		
Transportation Equipment															X		X		X		X		
Warehouse ¹⁸															X		X		X		X		
Warehousing, Transporting/Distributing ¹⁸															X		X		X		X		
TRANSPORTATION AND PUBLIC UTILITIES																S		X		X		X	
Freight, Service Facility															X		X		X		X		
Bus Terminal or Service Facility															X		X		X		X		
Garbage or Refuse Collection Service															X		X		X		X		
Refuse Processing, Treatment, and Storage															X		X		X		X		
Gas, Electric, Water, Sewerage Production and/or Treatment Facility															X		S		S		S		
Landfill ¹⁹															X		X		X		X		
Post Office or Postal Facility															X		X		X		X		
Railroad Switching Yard, Terminal, Piggyback Yard															X		X		X		S		
Telephone Service Center															X		X		X		X		
Telephone Switching Center, Electric Transmission, Gas Piping, Water Pumping Station	S	S	S	S	S	S	S	S	S	S	S	S	S	S	X	X	X	X	X	X	X	X	
Taxicab Dispatch Station															X		X	X	X	X	X	X	
Truck or Motor Freight Terminal, Service Facility															X		X	X	X	X	X	X	

X = Use permitted by right.

S = Use requiring site plan review and approval subject to the issuance of a special use permit in accordance with the provisions of Sections 8 and 9 of this article.

Revised: 04/12/18

Chart 1
Page 9 of 9

USES PERMITTED ³	ZONING DISTRICTS																							
	RS 15	RS 12	RS 10	RS 8	RS 6	RS 4	RD	RM 12	RM 16	RS-A	R MO	OGR ²	OG ²	CF ^{2,14}	CH ²	CL ²	MU ²	CBD ²	H ²	LI ²	CM-RS ²	CM-RP ²	CM ²	CU
OTHER															X		X	X						
Advertising Sign																	S							
Automobile graveyard																								
Home Occupations	S ¹¹	S ¹¹	S ¹¹	S ¹¹	S ¹¹	S ¹¹	S ¹¹	S ¹¹	S ¹¹	S-A				X		X			S ¹¹	S ¹¹	S ¹¹			
Junkyard																		S						
Metal, Sand, Stone, Gravel, Clay, Mining, and other related processing																	S							
Recycling center																S		X	X					
Self-Service Storage Facility ¹⁶															S	S	X	S	X	X				
Wholesale Establishments															X	S	X	X	X					
Temporary Mobile Recycling Center															S	S		S	S		S			

X = Use permitted by right.

S = Use requiring site plan review and approval subject to the issuance of a special use permit in accordance with the provisions of Sections 8 and 9 of this article.

MEMORANDUM

To: Mayor McFarland and Members of the City Council
From: Donald Anthony, Director of Planning *PA*
Date: April 19, 2019
Re: Zoning Application 2019-405

On May 2, 2019, the City Council will consider a rezoning request for 233.3 acres located along South Rutherford Boulevard, Lee Lane, and Interstate 24. If approved, the property would be zoned Heavy Industrial (H-I). A specific industrial user has been identified for a portion of the property. However, if rezoned, the remainder of the property would be left with speculative H-I zoning.

The City has occasionally asked those seeking rezoning to record and provide covenants restricting certain uses. In this particular case, the applicant has indicated that such restrictive covenants will be drafted and recorded for this property. Generally, the City is not a signatory on restrictive covenants and, therefore, has limited enforcement authority.

An alternate or supplemental method of restricting uses would be conditioning the rezoning on the applicant listing excluded uses on a subdivision plat. Conditional zoning is not an ideal or preferred means of handling rezoning requests. As opposed to contract zoning, which involves negotiating and is illegal in Tennessee, conditional zoning involves no negotiation; rather, the legislative body imposes conditions unilaterally, and the applicant must satisfy those conditions for the zoning to become effective.

At the March 9, 2019 Planning Commission meeting, staff recommended a list of uses that should be restricted via plat. The Planning Commission recommended approval of the rezoning subject to the conditions presented by staff. Subsequently, staff reviewed Chart 1 of the Zoning Ordinance and found additional uses that should be restricted. I recommend that the City Council condition any rezoning approval on the following uses being listed as excluded uses on a subdivision plat for the subject property:

- Manufacture, Storage, Distribution of:
 - Asbestos Products
 - Composting Facility
 - Explosives
 - Fertilizer
 - Fireworks
 - Leather and Leather Products, Tanning and Finishing
 - Paper Mills
 - Petroleum and Coal Products Refining
 - Radioactive Materials

- Manufacture of Chemicals
- Junkyard
- Crematory
- Livestock Auction
- Pet Crematory
- Landfill
- Automobile graveyard

The Planning Department is currently working on a Zoning Ordinance amendment that would create a new industrial zoning district. The proposed district would be more permissive than the existing Light Industrial (L-I) district but less permissive than the H-I district. We plan to have this amendment on a City Council agenda in the coming weeks.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION

JUNE 5, 2019

MEMBERS PRESENT

Kathy Jones, Chair
Ken Halliburton, Vice Chair
Eddie Smotherman
Warren Russell
Ronnie Martin
Jennifer Garland
Chase Salas

STAFF PRESENT

Donald Anthony, Planning Director
Matthew Blomeley, Assistant Director
Margaret Ann Green, Principal Planner
Amelia Kerr, Planner
Sam Huddleston, Executive Dir. of Dev. Services
Carolyn Jaco, Recording Assistant
David Ives, Assistant City Attorney
Austin Cooper, Planner
Jafar Ware, Planner

Chair Kathy Jones called the meeting to order after determining there was a quorum. The minutes of the April 3, 2019, May 1, 2019 and May 15, 2019, Planning Commission meetings were approved as submitted.

Mr. David Ives began by making known the City Administration has requested for the Planning Commission to consider a Mandatory Referral regarding a Memorandum of Understanding (MOU). He explained, a proposal had been made by Rutherford County to lease City owned property at the intersection of Fortress Boulevard and Blaze Drive. The land being considered would be a 50-year lease with Rutherford County. The property consists of 17.6 acres on which Rutherford County proposes to construct a County Clerk Annex, and sublease space to the State of Tennessee, for a second Driver's License office. If approved, the lease would require the County's platting and building process, subject to all City Planning Department, Planning Commission and Codes provisions and approvals.

Mayor Bill Ketron was in attendance to represent the applicant.

Mr. Ken Halliburton made a motion to approve the Mandatory Referral subject to all staff comments, seconded by Mr. Warren Russell. The motion carried by unanimous vote in favor.

Old Business

Annexation plan of services and annexation petition [2019-504] for approximately 3.1 acres located along Shelbyville Pike, Douglas Dales applicant. Ms. Amelia Kerr summarized the staff report, which

MINUTES OF THE MURFREESBORO PLANNING COMMISSION

JUNE 5, 2019

Mr. Ronnie Martin made a motion to approve the Annexation Petition and Plan of Services, seconded by Ms. Jennifer Garland. The motion carried by unanimous vote in favor.

Zoning application [2019-411] for approximately 85 acres located along Lee Lane to be zoned H-I simultaneous with annexation, Brian Berryman applicant. Ms. Margaret Ann Green summarized the staff report, which had been made available to the Planning Commission in their agenda packet. Ms. Green made known that a chart of uses had been included in the agenda packet to show the types of uses that would be permitted if approved as a HI zone.

Mr. Rob Molchan, Mr. John Harney and Mr. Jeff Reid were in attendance to represent the applicant. Mr. Rob Molchan came forward and distributed an addendum map which shows modifications to the property. Mr. Molchan began a power point presentation from the applicant's submittal. He explained the property towards the east would remain as an RS-15 zone with a width of 40 feet. Behind the RS-15 zone would be an additional 20-feet, with a Type E landscaping buffer. The changes would be a total of 60-foot barrier buffer between the HI property and the County residential area towards the east. The applicant is proposing a corporate campus for office jobs, and industrial jobs. Continuing, Mr. Molchan made known there would be uses restricted on the plat and uses restricted by covenants. Lastly, he explained the main access point would be onto South Rutherford Boulevard, and the site would have access to a CSX rail spur. Traffic studies would be provided during the applicant's site plan submittal and master plan submittal.

Chair Kathy Jones opened the public hearing.

1. Mr. Don Bolton 2003 Tulip Hill Drive – opposes the zoning request due to the increase in traffic and noise. He requested for a traffic signal be placed at Elam Road.
2. Mr. Robert Peay 4047 Bivens Hill Road – requested for the Planning Commission to accommodate the residents by addressing the noise pollution and traffic problems, and not to allow thru traffic within the residential areas.
3. Ms. Dianne Parker 2101 Wimbledon Drive – opposes the request. If the zoning is approved she requested for the buffer to be increased. Again, why is the HI request being considered when

MINUTES OF THE MURFREESBORO PLANNING COMMISSION

JUNE 5, 2019

the Planning Department Staff had requested for a PID zone. What type of businesses are going to be allowed behind their homes? She requested no through traffic be permitted in their residential area, and for the road infrastructure with signals be in place before a business is complete.

4. **Mr. Bruce White 1819 Lee Lane** – came forward and distributed a handout which detailed the applicant's property line being 10-feet from his driveway, 5-feet from his garage, and 40-feet from his home. He made known he opposes the HI zoning request. However, if approved, he requested for the following to be included:
 - 100-foot setback between his property and the Jernigan property.
 - A 10 or 12-foot concrete wall be placed between his property and the Jernigan Property towards the emergency access off of Lee Lane.
 - A 25-foot evergreen buffer in front of the concrete wall and a five-foot fence between his property and the Jernigan property towards the emergency access off of Lee Lane.
5. **Ms. Ms. Melinda Brown 2004 Crossfield Drive** – opposes the HI zoning request. She requested no traffic access be permitted from the applicant's property to Tulip Hill Drive and Lee Lane. In addition, she requested for additional information be provided to address the traffic, noise, light nuisance and what type chemicals the businesses would be using at a nearby natural wetland area.
6. **Ms. Jo Ann Plough 2232 Elam Road** – opposes the HI zoning request. If approved she requested for the property to be a less invasive zone and the applicant provide a 200-foot buffer between the applicant's property and the residential neighborhood. She requested for the residents to have a voice in the hours of operation such as the noise and the hours of tractor trailer traffic. The infrastructure should be in place before any businesses is completed.
7. **Mr. Christopher Brown 2004 Crossfield Drive** – opposes the HI zone. He requested for a less invasive zone such as LI or commercial. In addition, he requested, no thru traffic be permitted onto Lee Lane and Tulip Hill Road.
8. **Mr. Bricke Murfree 1011 Glasgow Drive** – stated this is a rare opportunity for the applicant and he is in favor of this zone.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION

JUNE 5, 2019

9. **Mr. Eric Plough 2232 Elam Road** – opposes the HI zoning request. He requested for the property be a less invasive zone.
10. **Mr. Mike Nnowles 359 Pleasant Run Road Smyrna** – opposes the HI zoning request. The County residents are not being properly represented by the City.
11. **Ms. Lisa Holly 1819 Lee Lane** – opposes the HI zoning request. She requested for the same request that had been made by Mr. Bruce White being the following:
 - 100-foot setback between his property and the Jernigan property.
 - A 10-12-foot concrete wall between his property and the Jernigan Property towards the emergency access off of Lee Lane.
 - A 25-foot evergreen buffer in front of the concrete wall and a five-foot fence at the property line between his property and the Jernigan property towards the emergency access off of Lee Lane.
12. **Mr. John Harney 6748 Gum Road** – stated he was representing the applicant and the Jernigan family. He distributed copies to the Planning Commission of an email response from Rutherford County Road Superintendent, Mr. Greg Brooks. The email states that Rutherford County would approve signage at Lee Lane and Elam Road that would state no thru truck traffic or construction traffic permitted at this location. The applicant's property would not have access to Lee Lane or Tulip Hill Drive. The outlet for traffic would be onto Rutherford Boulevard. The applicant is proposing a corporate campus which would require a traffic study, and the property would have to comply with the City noise and light pollution ordinance.

Chair Kathy Jones closed the public hearing.

Ms. Margaret Ann Green stated the applicant has requested for a HI zone which is a bulk zone. There are no specific conditions being placed on this zone. The Planning Commission can deny this request, approve, or recommend another type of zoning.

Mr. Donald Anthony addressed the Restrictive Covenants by making known these are agreements being made by the property owners. The covenants would be enforceable by the property owners; they are not

MINUTES OF THE MURFREESBORO PLANNING COMMISSION

JUNE 5, 2019

enforceable by the City. However, due to the sensitivity of this site, Staff has made a recommendation for conditional zoning. For this site, it has been warranted for this project by Staff to have a conditional zoning upon the applicant to record a plat which would list out all restricted uses. This would allow the City to be a signatory onto the restrictions with the plat. Chair Ms. Jones wanted to clarify the same conditional zoning would be placed on the recorded plat for the 233 acres. Ms. Anthony answered yes, the staff report has included the restrictive uses to be placed on the recorded plat.

Mr. Eddie Smotherman commented, distance is a good buffer and he requested for the applicant to agree to a 6-foot berm with 6-foot evergreens around the Jernigan property. In addition, he requested that an emergency access gate be installed on the property at Lee Lane for emergency access only. Mr. John Harney came forward stating they would agree to the berm request when a site plan was submitted on the Jernigan property and they would install an emergency access gate at Lee Lane. To address wetlands, the applicant would have to comply with all State regulations during site plan approval.

Mr. Ronnie Martin commented the City and Rutherford County have an ongoing partnership. The County residents attending this meeting are not City residents, but, this request matters for all County residents as a whole because we all are a community. Continuing, Mr. Martin wanted to know if there were other CSX rail spur sites in Murfreesboro. Mr. Anthony answered that he knew of only one other CSX rail spur, located at the GE property. Mr. Martin said that for this reason, reducing the request to a lesser zone would not work for the applicant. The reason for the HI zone is to allow the applicant to have the ability to work with lumber and steel on the property. Lastly, Mr. Martin asked the Planning Staff if there were any issues with the requested bulk zone. Mr. Donald Anthony stated, Staff had made a recommendation in March 2019. Since then, moving forward, Staff has added things that would work, and they are comfortable adding the restrictions on the plat.

Mr. Ronnie Martin made a motion to approve the HI zone subject to excluding the 40-foot wide property along the eastern and northern property line and the 40-foot wide property entering into the City to be zoned as RS-15, seconded by Mr. Warren Russell. The motion carried by unanimous vote in favor.

RESOLUTION 19-R-PS-23 to adopt a Plan of Services for approximately 85.6 acres along Lee Lane, James Jernigan and Virginia Jernigan, applicants. [2019-505]

WHEREAS, the Owner(s) of the territory identified on the attached map as the "Area to be Annexed" have either petitioned for annexation or given written consent to the annexation of such territory; and

WHEREAS, a proposed Plan of Services for such territory was prepared and published as required by T.C.A. §6-51-102 and T.C.A. §6-51-104; and

WHEREAS, the proposed Plan of Services was submitted to the Murfreesboro Planning Commission on June 5, 2019 for its consideration and a written report, at which time the Planning Commission held a public hearing and thereafter recommended approval of the Plan of Services to the City Council;

WHEREAS, a Public Hearing on the proposed Plan of Services was held before the City Council of the City of Murfreesboro, Tennessee, on July 25, 2019, pursuant to a Resolution passed and adopted by the City Council on June 13, 2019, and notice thereof published in The Murfreesboro Post, a newspaper of general circulation in said City, on July 9, 2019; and,

WHEREAS, the Plan of Services for the territory identified on the attached map as the "Area to be Annexed" establishes the scope of services to be provided and the timing of such services and satisfies the requirements of T.C.A. §6-51-102.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. That, pursuant to authority conferred by T.C.A. Sections 6-51-101, et seq., the Plan of Services attached hereto for the territory identified on the attached map as the "Area to be Annexed" is hereby adopted as it is reasonable with respect to the scope of services to be provided and the timing of such services.

SECTION 2. That this Resolution shall take effect upon the effective date of the Annexation Resolution with respect to the territory, **Resolution 19-R-A-23**, the public welfare and the welfare of the City requiring it.

Passed: _____

Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

Melissa B. Wright
City Recorder

Adam F. Tucker
City Attorney

SEAL

Resolution 19-R-PS-23

City Boundary

Area to be
Annexed

BUTLER-ST

I-24

SOUTH RUTHERFORD BLVD

TULIP-HILL-DR

CROSSFIELD-DR

LEE-LN

REIDHURST-DR

ELAW-DR

STRICKLAND-DR

CROSS-DR

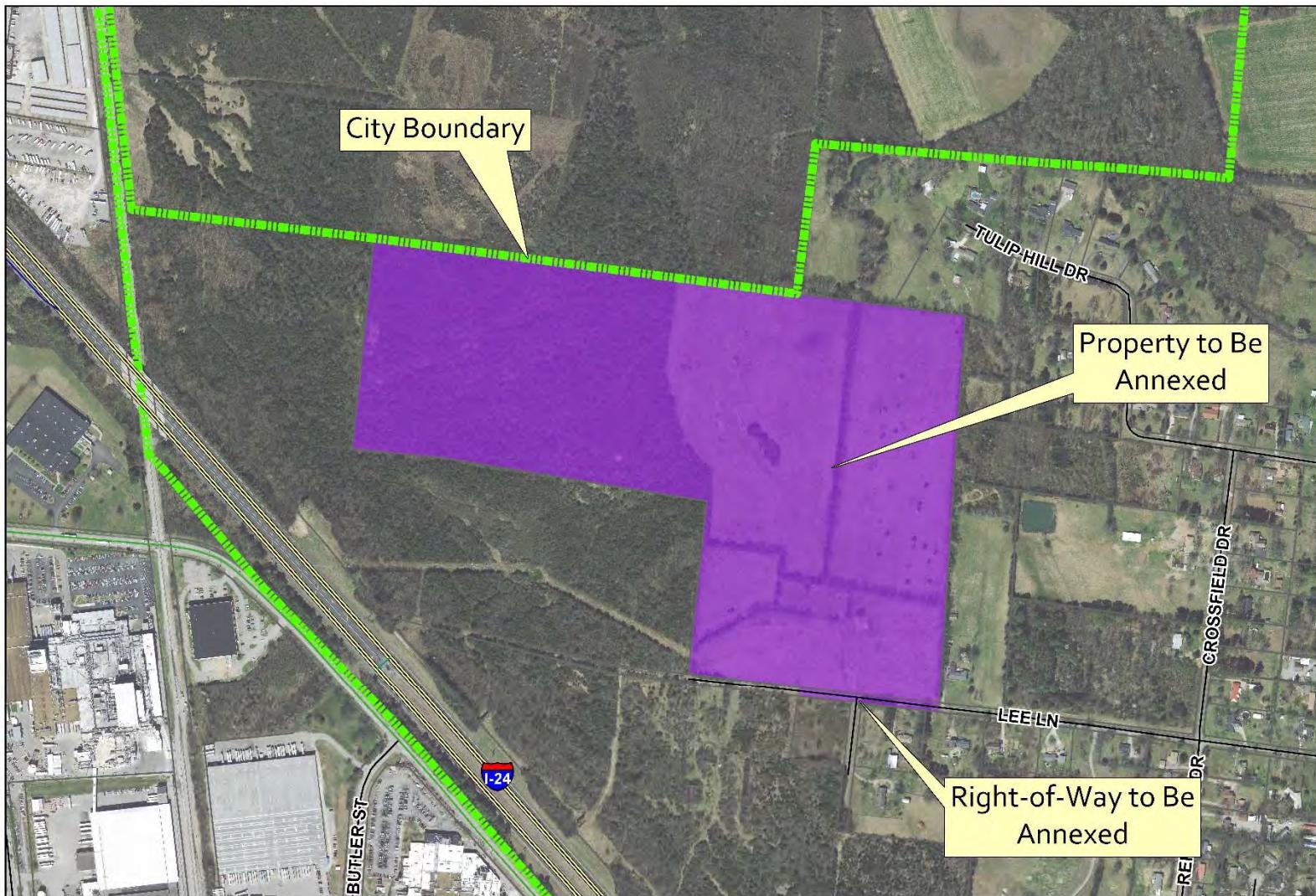
WICK-CT



ANNEXATION REPORT FOR PROPERTY LOCATED NORTH OF LEE LANE INCLUDING PLAN OF SERVICES



PREPARED FOR THE
MURFREESBORO PLANNING COMMISSION
June 5, 2019
Revised June 20, 2019 (page 7)



Annexation Request for Property Along Lee Lane

0 500 1,000 2,000 Feet



G:\annex\Lee Ln Annex - April 2019.aprx



Planning Department
City Of Murfreesboro
111 West Vine Street
Murfreesboro, Tennessee 37130
www.murfreesboron.gov

INTRODUCTION

OVERVIEW

The area studied in this Plan of Services is a 85-acre parcel (Tax Map 113, Parcel 014.00) situated along the north side of Lee Lane and the east of I-24. Also included in this study are 655 linear feet of Lee Lane right-of-way. The study area adjoins the City on the north with the unincorporated County on the east and south. An annexation is currently pending for the adjoining property to the east.

The property owners, James and Virginia Jernigan, have petitioned the City of Murfreesboro annex the property. An application to zone the property H-I (Heavy Industrial District) simultaneous with annexation has also been submitted.

The annexation study area is located within the City of Murfreesboro's Urban Growth Boundary and is contiguous with current City limits.

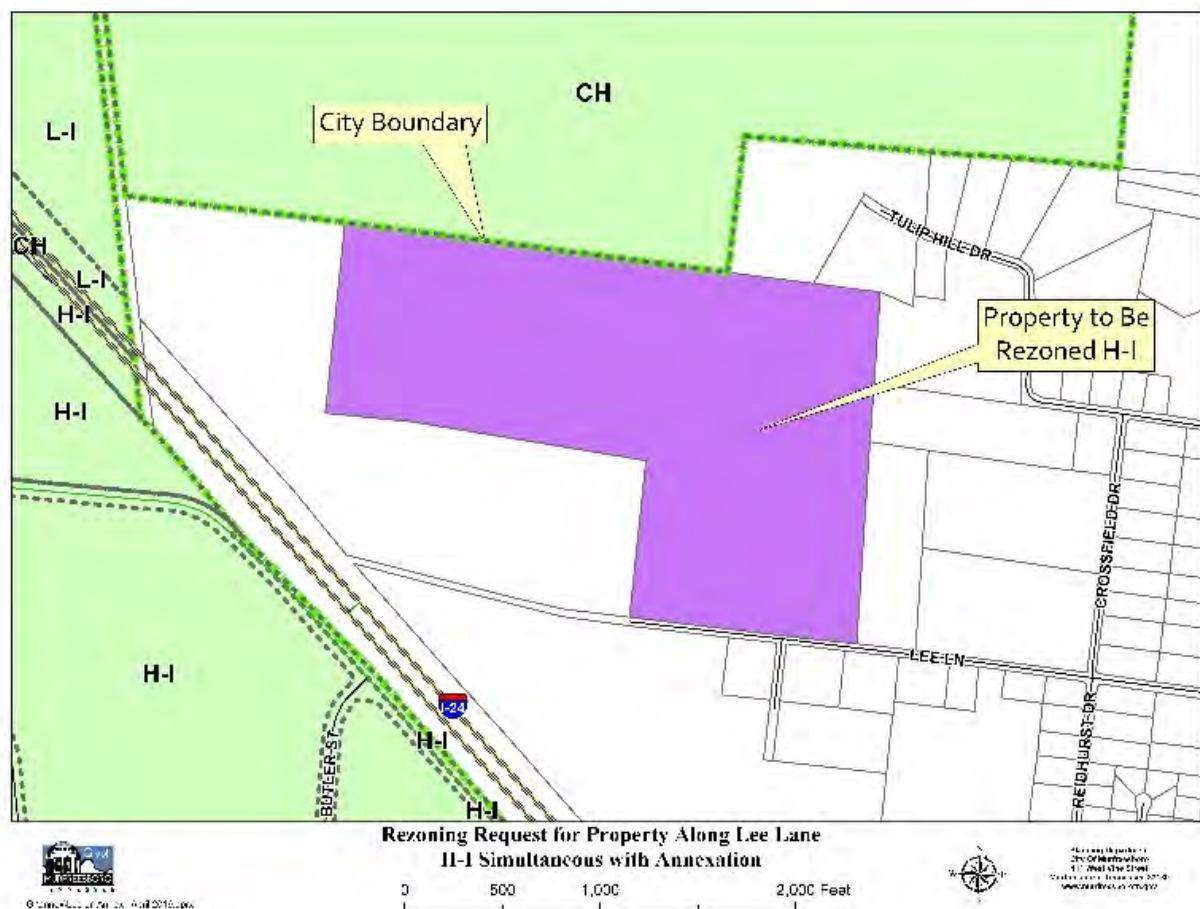


CITY ZONING

A separate application has been submitted by Mr. Brian Berryman requesting H-I (Heavy Industrial District) zoning for the subject parcel.

The subject parcel is currently zoned RM (Residential – Medium Density) in the County.

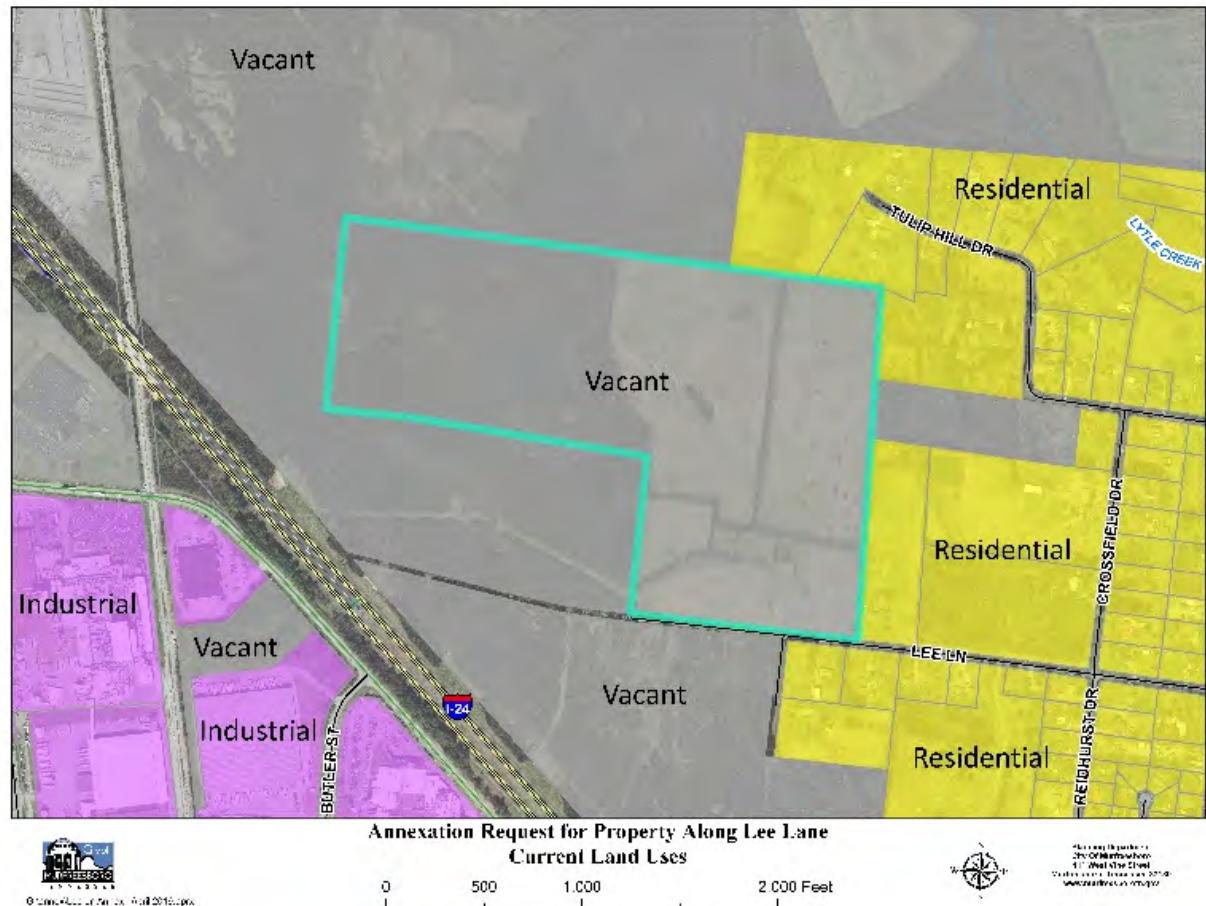
The study area is surrounded on all sides by residential and agricultural uses. The property to the north is zoned CH and was zoned such in anticipation of a FedEx distribution facility being located on this site. FedEx is no longer proposing to build a facility at this location. Mr. Barryman has requested this property be rezoned from CH to H-I as well as zoning the eastern parcel H-I simultaneous with annexation (application pending before City Council).



PRESENT AND SURROUNDING LAND USE

The area being considered for annexation is an 85-acre parcel. The property is currently used for agricultural purposes and is mostly undeveloped.

The area surrounding the 85-acre parcel is characterized by large lots with residential and agricultural uses. Approximately one mile to the south is Joe B Jackson which provides a hub for varied industrial users with nearby access to I-24 via the interchange.



TAXES AND REVENUE

The first City tax bill for all property annexed during the calendar year of 2019 will be due on December 31, 2020. City taxes are calculated upon the property appraisal and assessment of the Rutherford County Property Assessor's Office. The current tax rate for the City of Murfreesboro is \$0.9494/\$100.00 assessed value. Residential property is assessed at a rate of 25% of its appraised value and commercial property is assessed at a rate of 40% of its appraised value. Table I below shows total assessment and estimated City taxes that would be collected, if the property were to be annexed in its present state. (Note that the property currently receives a greenbelt rollback assessment. The table below assumes that the property will no longer qualify for the greenbelt rollback assessment upon sale and development.)

***Table I
Estimated Taxes from Site***

Owner of Record	Acres	Land Value	Improvements Value	Total Assessment	Estimated City Taxes
JERNIGAN JAMES W JR ETUX VIRGINIA	85.00	\$140,500	\$0	\$35,125	\$332.29*

These figures are for the property in its current agricultural state.

***The City Council approved a change in the tax rate for the City of Murfreesboro from 0.9494/\$100 assessed value to 1.2894/\$100 assessed value after this Plan of Services was recommended for approval by the Planning Commission on June 5, 2019. Based on the revised tax rate, the Estimated City Taxes would be \$451.29.**

PLAN OF SERVICES

POLICE PROTECTION

At present, the study area receives police service through the Rutherford County Sheriff's Department. If annexed, the Murfreesboro Police Department will begin providing services such as patrol, criminal investigation, community policing, traffic operations, canine, DARE and other community crime prevention programs to the subject parcels immediately upon the effective date of annexation. This annexation will have no negative impact on the Murfreesboro Police Department. No additional costs to the department are expected. This property is located in Police Zone #7.

ELECTRIC SERVICE

The study area is currently served by Middle Tennessee Electric Membership Corporation (MTEMC). The Murfreesboro Electric Department (MED) will serve the study area as it develops; facilities along South Rutherford Boulevard will be extended to serve the study area. Any electrical infrastructure installed to serve development in the study area is required to adhere to MED standards.

STREET LIGHTING

According to MED, street lighting will be installed on the property if the future development includes public streets. No street lights are proposed on Lee Lane with this annexation.

SOLID WASTE COLLECTION

The City will provide weekly curbside solid waste collection service immediately upon the effective date of annexation, as well as brush/debris removal every two to three weeks. In its current undeveloped state, no additional equipment or manpower will be needed to serve the study area. Upon development as a heavy industrial user, the developer will be required to arrange solid waste collection via a private hauler as the City will not provide solid waste collection.

RECREATION

Murfreesboro's Parks and Recreation facilities will be immediately available to residents of the study area. Currently Murfreesboro has two multi-purpose facilities, one community center, a wilderness facility, over 1,000 acres of parks, a network of greenways, and recreational sports. These facilities and programs are wholly funded by the Murfreesboro tax payers. Children who are residents of the City of Murfreesboro, attend Murfreesboro Elementary Schools, and receive free or reduced lunches also receive free or reduced recreational fees.

CITY SCHOOLS

The Murfreesboro City School system serves grades kindergarten through sixth and is offered to students who are within the jurisdiction of the City of Murfreesboro, although no students are anticipated from the annexation of this property. The study area will be within the Black Fox school zone.

STREETS AND ACCESS

Public Roadway System

The Annexation Study Area includes approximately 655 linear feet of Lee Lane right-of-way. Lee Lane is a two-lane residential road that does not meet minimum City specifications. Lee Lane intersects Elam Road which is also a two-lane roadway that does not meet minimum City specifications. Elam Road is on the 2040 Major Transportation Plan as MTI #23 proposed to be a 3-lane roadway.

It is recommended that the development of this tract include planning for a public roadway extension from the north with an intersection on South Rutherford Boulevard just west of Lytle Creek. This proposed connector is on the 2040 Major Transportation Plan as MTI #5. The future corridor is to be a 3-lane roadway connection to south of South Rutherford Boulevard and west of Elam Road.

Regional Traffic and Transportation Conditions

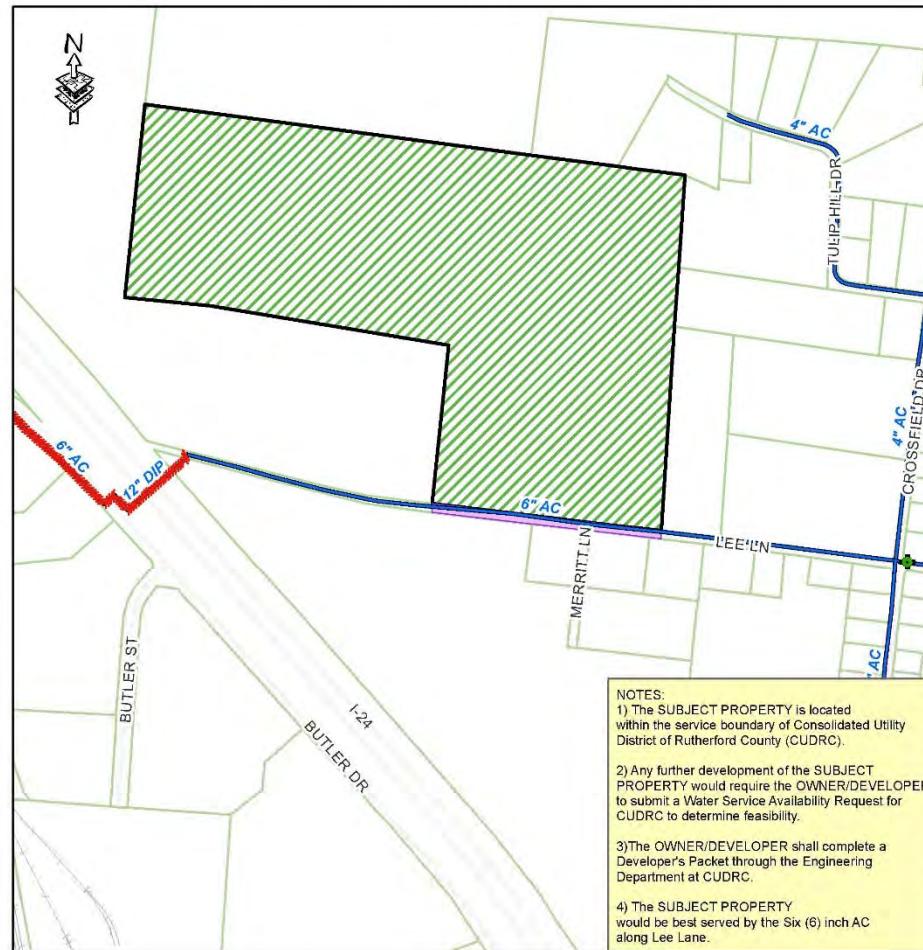
- The intersection west of this property is South Church Street and South Rutherford Boulevard. The 2014 Level of Service Model in the proposed 2040 Major Transportation Plan (MTP) shows South Church Street to be operating at a Level of Service D/F. The 2040 Level of Service Model indicates that South Church Street fall to Level of Service of F with or without the proposed improvements recommended in the 2040 MTP.
- The intersection to the east is South Rutherford Boulevard & Manchester Highway. The 2014 Level of Service Model in the proposed 2040 Major Transportation Plan (MTP) shows South Rutherford Boulevard to be operating at a Level of Service C in the Study Area using average daily traffic (ADT) counts. The 2040 Level of Service Model indicates that South Rutherford Boulevard fall to Level of Service of D with or without the proposed improvements recommended in the 2040 MTP.
- Manchester Highway is operating at a Level of Service C. The 2040 Level of Service Model indicates that Manchester Highway fall to Level of Service of F with or without the proposed improvements recommended in the 2040 MTP.

A traffic impact study will be required incorporating the surrounding properties and roadway systems. Any new public roadways to serve the study area must be constructed to City Standards.

WATER SERVICE

The subject property is served by a 6-inch Consolidated Utility District (CUD) water line along Lee Lane. This line is adequate for providing domestic water service and for maintaining the proper fire flows for the existing development. A Water Availability Request must be submitted to CUD for review and approval before any additional development on the property may occur. Any new water line development must be done in accordance with CUD's development policies and procedures.

Lee Lane Annexation Request



- ◆ CUD HYDRANT
- ◆ CUD WATER MAIN (inactive)
- CUD WATER MAIN
- ROW TO BE ANNEXED
- ▨ SUBJECT PROPERTY

APRIL 30, 2019

TAX MAP: 113
PARCEL: 14.00

1 INCH = 600 FEET



0 250 500 1,000
Feet

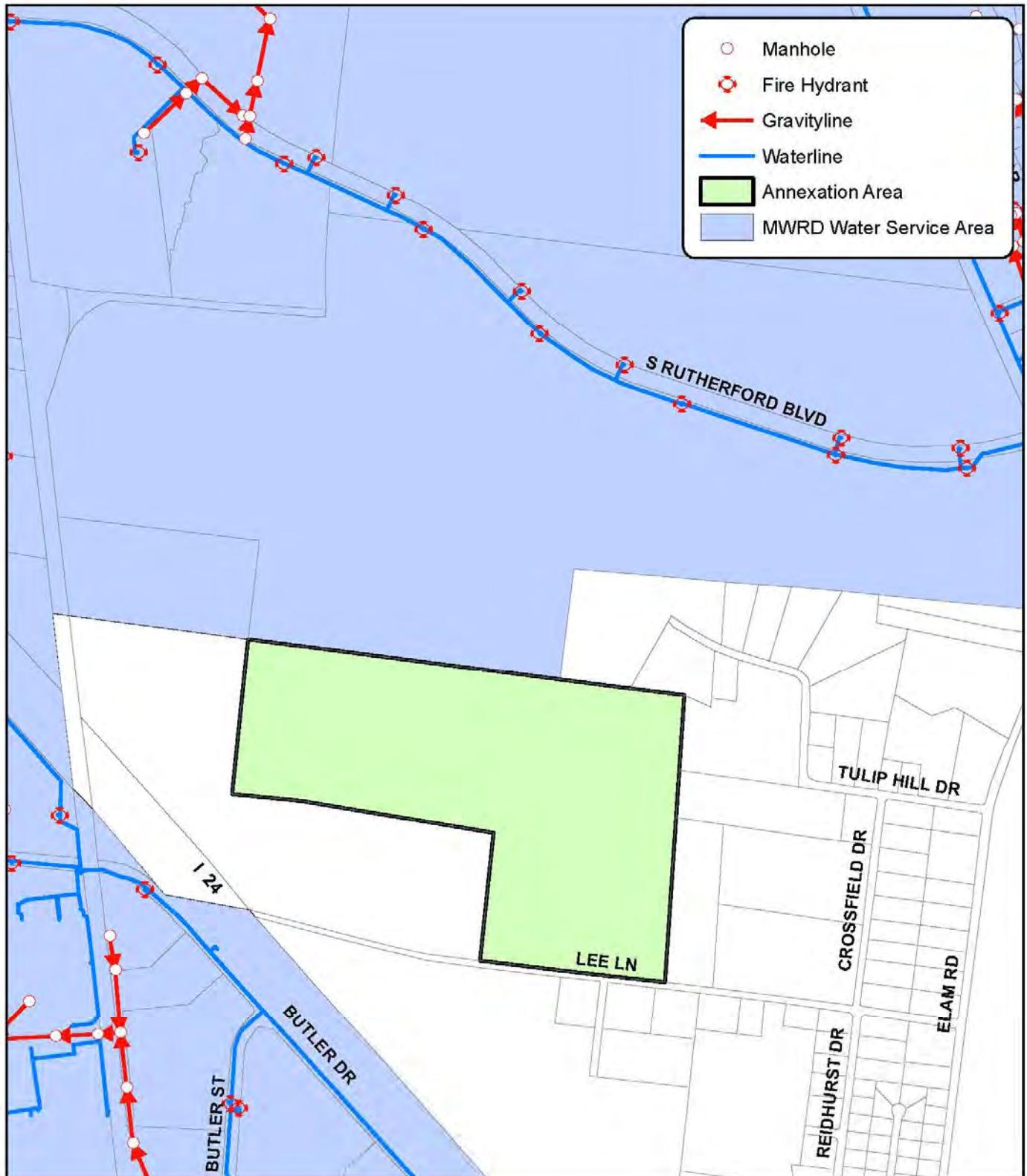
SANITARY SEWER SERVICE

Sanitary sewer is not currently available to serve the subject property, per the Murfreesboro Water and Sewer Department's (MWS) definition of "available." There is an existing sewer main on both the north and south sides of South Rutherford Boulevard. There are several possible options for sewer service to the properties, however, all options will require the developer to obtain easements from adjacent property owners and be dedicated to the City of Murfreesboro.

- Option 1 would be to acquire permanent and temporary construction easements from the Murfree (Map 102, Parcel 49), Derryberry (Map 112, Parcel 1) and Hoover (Map 112, Parcel 2.0) properties in order to extend public sewer to the property. This would also require a bore under Rutherford Blvd.
- Option 2 would be to acquire and/or redefine permanent and temporary construction easements from the Husky Truss property (Map 113, Parcel 11.06) and extend sewer east and south to the requesting property.
- Option 3 would be to acquire and/or redefine permanent and temporary construction easements from the Husky Truss, Derryberry and Hoover properties and extend sewer east parallel to the southern right of way of Rutherford Boulevard and then south to the requesting property.

The entire property cannot be served by a gravity sewer main, then the Developer may need to look at serving a portion of the property with a sewer pump station and forcemain.

All sewer main improvements and easements needed to serve the subject properties are to be installed and acquired respectively by the developer in accordance with MWRD's development policies and procedures. The red lines on the adjacent map represent existing sewer lines.



MURFREESBORO WATER AND SEWER DEPARTMENT

Annexation Request for Lee Lane



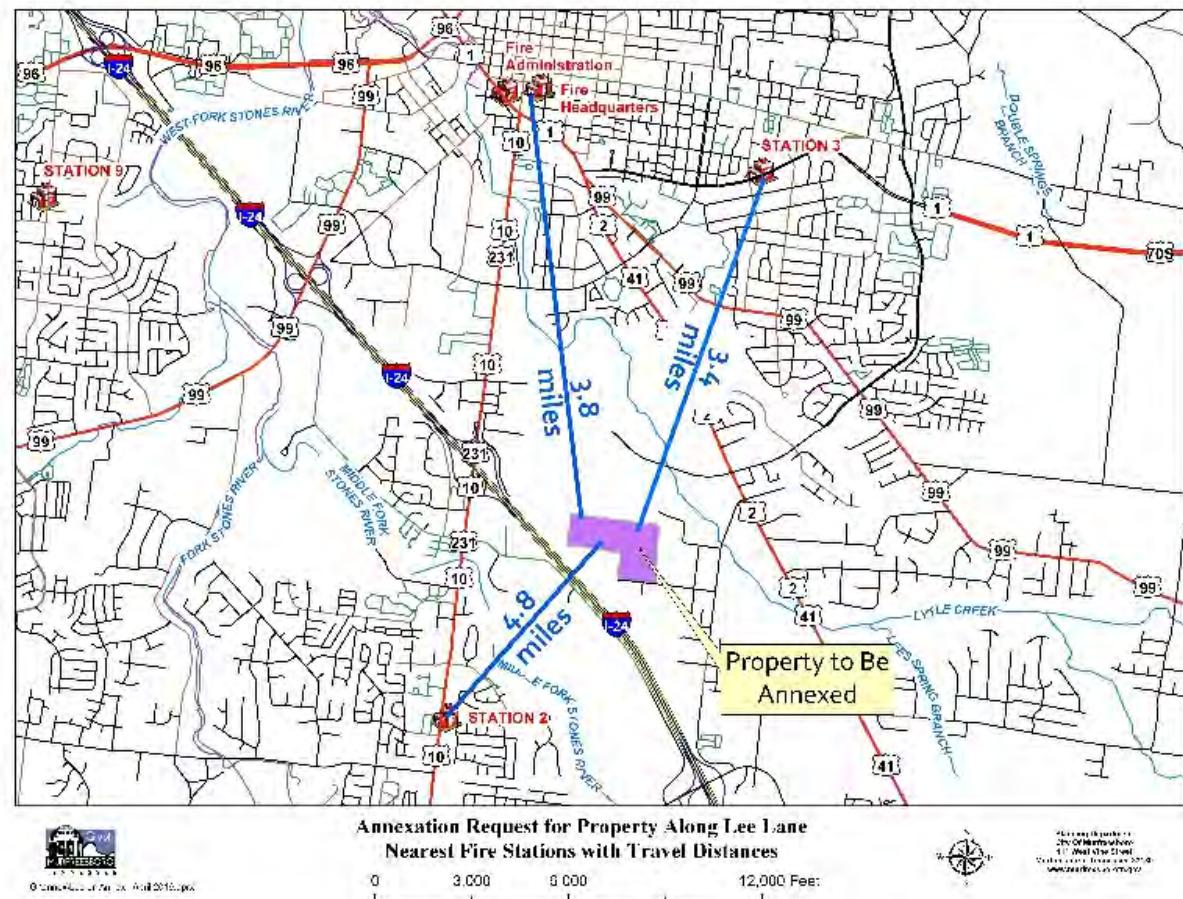
KMC 5/6/2019
LEE LANE 2.MXD

FIRE AND EMERGENCY SERVICE

The Murfreesboro Fire and Rescue Department will begin providing fire protection and medical first responder service to the study area immediately upon the effective date of annexation. This annexation will have no negative impact on the Murfreesboro Fire and Rescue Department (MFRD).

Any development on the site must provide adequate fire flows and install water lines and fire hydrants per the Consolidated Utility District policies and procedures. Current guidelines recommend fire hydrants be 500 feet apart.

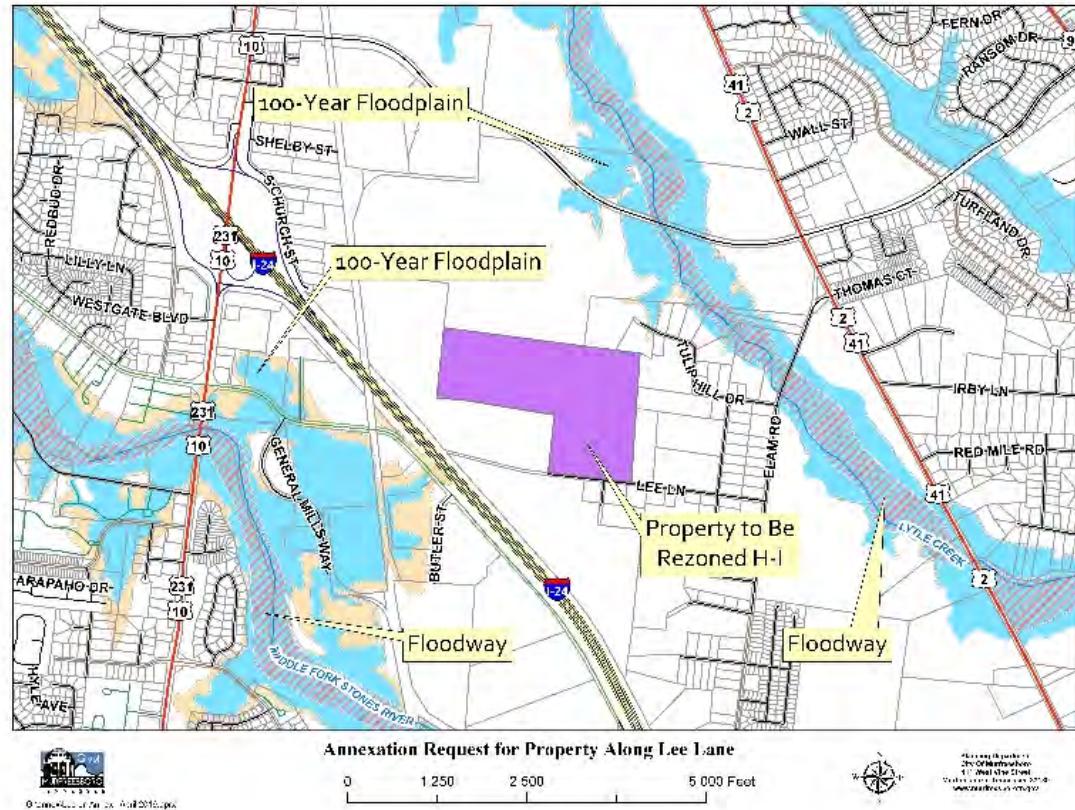
There is a 6-inch Consolidated Utility District water line along Lee Lane that serves the subject property. The closest operating fire station to the subject property is Fire Station #3, located at 1511 Mercury Boulevard, approximately 4.8 miles from the study area.



FLOODWAY

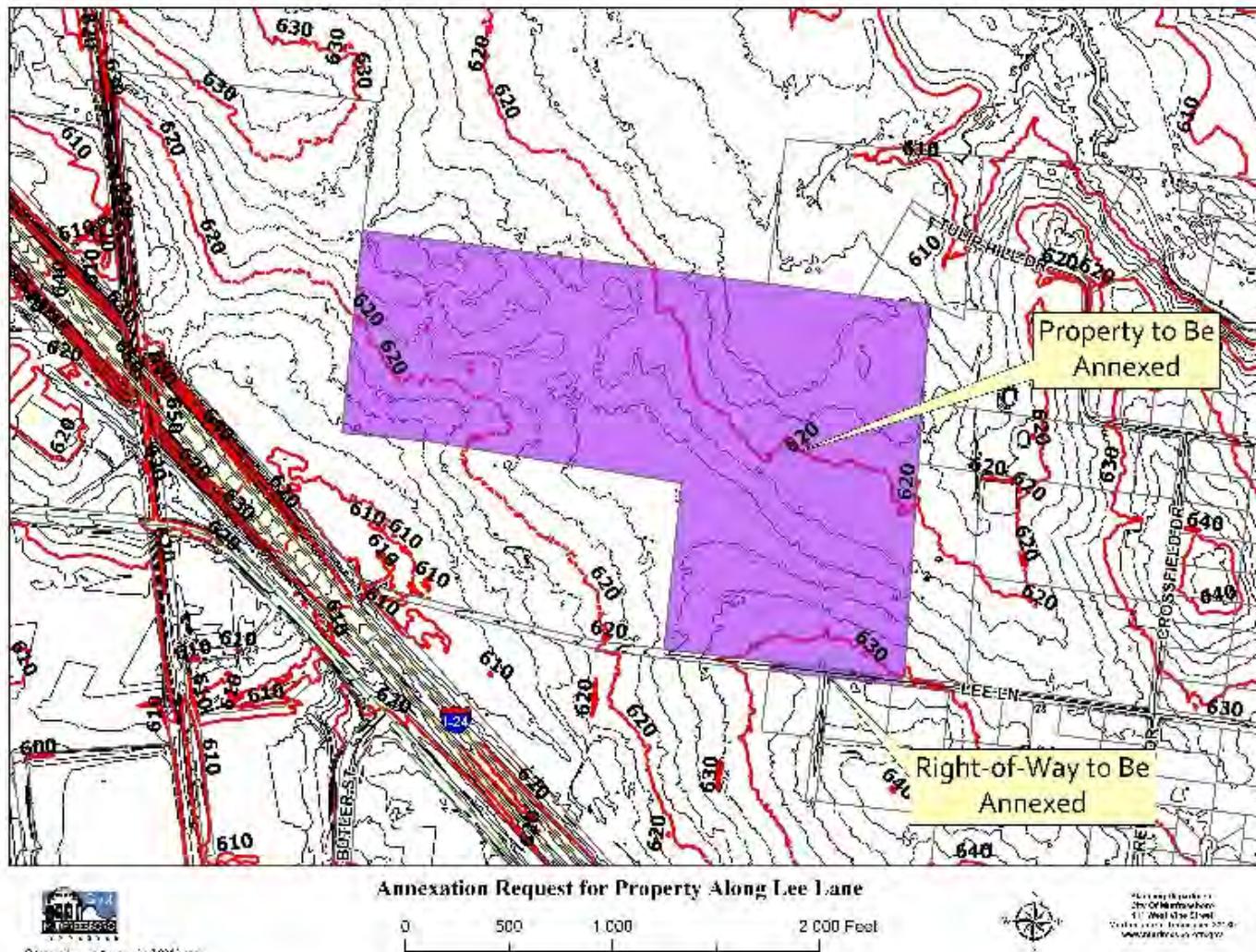
The study area is not located within a floodway or 100-year floodplain as delineated on the Flood Insurance Rate Maps (FIRM) developed by the Federal Emergency Management Agency (FEMA). New development should comply with the City's Stormwater Quality Ordinance including water quality, streambank protection, and detention

The adjacent map shows the floodway boundary in pink and the 100-year floodplain boundary in blue.



PROPERTY AND DEVELOPMENT

Upon annexation, stormwater management services provided by the City will be available to the study area. New development should comply with the City's Stormwater Quality Ordinance including water quality, streambank protection, and detention. The red lines on the adjacent map represent ten-foot contours. The black lines represent two-foot intervals.



STORMWATER MANAGEMENT

Upon annexation, stormwater management services provided by the City of Murfreesboro will be available to the study area and existing and new improvements will be subject to the Stormwater Utility Fee. No existing improvements are included on the subject properties and will not generate revenue for the Stormwater Utility Fund until development occurs.

The subject property is proposed to be developed for a heavy industrial district on approximately 85 acres. Based on this development scenario and property limitations, it is anticipated that the site will generate \$14,706 annually in revenue for the Stormwater Utility Fund including anticipated fee credits upon full buildout.

Public Drainage System

Existing public drainage systems serving the study area are integral to the existing South Rutherford Boulevard. Annualized maintenance costs for drainage systems incidental to the roadways are included within the roadway maintenance costs and are anticipated to be paid from the Stormwater Utility Fee. Any new public drainage facilities proposed to serve the study area in the future must meet City standards.

Regional Drainage System

Approximately the eastern third of the property drains directly to Lytle Creek while the central portion of the site drains northward to an existing cross drain under Rutherford Boulevard and then to Lytle Creek. The southwest portion of the property drains southwestward under CSX Railroad to I-24 ROW and West Fork Stones River.

Lytle Creek is a FEMA studied stream and a portion of the eastern property is within the floodplain and floodway of Lytle Creek. Development must meet the Floodplain Management Regulations including proper elevation and flood hazard reduction of new developments. Lytle Creek must also include a 50-foot Water Quality Protection Area from the top of bank on each side upon development. The WQPA is an undisturbed vegetated buffer providing water quality protections for Lytle Creek. Any modifications to Lytle Creek must include appropriate State and Federal permits.

The area likely includes some areas considered jurisdictional wetlands. Any proposed modifications of wetlands must include appropriate state and federal wetland permits.

A small pond is located adjacent to a CSX spur rail on the northwestern portion of the site. It is unclear as to the jurisdictional status of this pond. If it is jurisdictional water, appropriate permits should be obtained for any proposed modifications.

PLANNING, ENGINEERING, AND ZONING SERVICES

The property will come within the City's jurisdiction for planning and engineering code enforcement immediately upon the effective date of annexation. As new development occurs, the Planning Commission will review all site plans, preliminary, and final plats. Among other duties, the Planning and Engineering Departments will inspect and monitor new construction of streets and drainage structures for compliance with the City's development regulations.

ANNEXATION FOLLOW-UP

The Murfreesboro City Council will be responsible for ensuring that this property will receive City services described in this plan. According to Public Chapter 1101 passed by the Tennessee Legislature, six months following the effective date of annexation, and annually thereafter until all services have been extended, a progress report is to be prepared and published in a newspaper of general circulation. This report will describe progress made in providing City services according to the plan of services and any proposed changes to the plan. A public hearing will also be held on the progress report.

BUILDING AND CODES

The property will immediately come within the City's jurisdiction for code enforcement immediately upon the effective date of annexation. The City's Building and Codes Department will begin issuing building and construction permits and enforcing the codes and inspecting new construction for compliance with the City's construction codes immediately upon the effective date of annexation. The Building and Codes Department will also ensure that any new signs associated with the development of the property comply with the Sign Ordinance. No additional costs are expected.

GEOGRAPHIC INFORMATION SYSTEMS

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

RESOLUTION 19-R-A-23 to annex approximately 85.6 acres along Lee Lane, and to incorporate the same within the corporate boundaries of the City of Murfreesboro, Tennessee, James and Virginia Jernigan, applicants. [2019-505]

WHEREAS, the Owner(s) of the territory identified on the attached map as the "Area Annexed" have either petitioned for annexation or given written consent to the annexation of such territory; and

WHEREAS, a Plan of Services for such territory was adopted by **Resolution 19-R-PS-23** on July 25, 2019; and

WHEREAS, the Planning Commission held a public hearing on the proposed annexation of such territory on June 5, 2019 and recommended approval of the annexation; and

WHEREAS, the annexation of such territory is deemed beneficial for the welfare of the City of Murfreesboro as a whole.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. That, pursuant to authority conferred by T.C.A. Sections 6-51-101, et seq., the territory identified on the attached map as the "Area Annexed" is hereby annexed to the City of Murfreesboro, Tennessee and incorporated within the corporate boundaries thereof.

SECTION 2. That this Resolution shall take effect upon the effective date of the Zoning Ordinance with respect to the annexed territory, **Ordinance 19-OZ-23**, the public welfare and the welfare of the City requiring it.

Passed: _____

Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

Melissa B. Wright
City Recorder

Adam F. Tucker
City Attorney

SEAL

Resolution 19-R-A-23

City Boundary

SOUTH RUTHERFORD BLVD

Area Annexed

BUTLER-ST

I-24



STRICKLAND-DR

CROSS-DR

WICK-CT

CROSSFIELD-DR

ELAM-DR

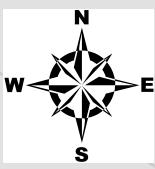
REIDHURST-DR

TULIP-
HILL-DR

LEE-LN

2
41

BRIGHTON-DR



ORDINANCE 19-OZ-23 amending the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as heretofore amended and as now in force and effect to zone approximately 83 acres along Lee Lane as Heavy Industrial (H-I) District simultaneous with annexation; Brian Berryman, applicant. [2019-414]

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

SECTION 1. That the same having been heretofore recommended to the City Council by the City Planning Commission, the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as herein referred to, adopted and made a part of this Ordinance as heretofore amended and as now in force and effect, be and the same are hereby amended so as to zone the territory indicated on the attached map.

SECTION 2. That from and after the effective date hereof the area depicted on the attached map be zoned and approved as Heavy Industrial (H-I) District, as indicated thereon, and shall be subject to all the terms and provisions of said Ordinance applicable to such districts. The City Planning Commission is hereby authorized and directed to make such changes in and additions to said Zoning Map as may be necessary to show thereon that said area of the City is zoned as indicated on the attached map. This zoning change shall not affect the applicability of any overlay zone to the area.

SECTION 3. That this Ordinance shall take effect fifteen (15) days after its passage upon second and final reading, the public welfare and the welfare of the City requiring it.

Passed:

Shane McFarland, Mayor

1st reading _____

2nd reading _____

ATTEST:

APPROVED AS TO FORM:

Melissa B. Wright
City Recorder

Adam F. Tucker
City Attorney

SEAL

H-I

City Boundary

CH

H-I

BUTLER-ST

H-I

I-24

Area Zoned H-I
Simultaneous
with Annexation

SOUTH RUTHERFORD BLVD

TULIP-HILL-DR

CROSSFIELD-DR

LEE-LN

REIDHURST-DR

ELAM-RD

WIMBLETON-DR

S-DR

STRICKLAND-DR



COUNCIL COMMUNICATION

Meeting Date: 7/25/19

Item Title: Plan of Services, Annexation, and Zoning for approximately 3.1 acres located along Shelbyville Pike
[Public Hearings Required]

Department: Planning

Presented By: Matthew Blomeley, AICP, Assistant Planning Director

Requested Council Action:

Ordinance	<input checked="" type="checkbox"/>
Resolution	<input checked="" type="checkbox"/>
Motion	<input type="checkbox"/>
Direction	<input type="checkbox"/>
Information	<input type="checkbox"/>

Summary

Annexation and zoning of approximately 3.1 acres located along Veterans Parkway.

Staff Recommendation

Conduct a public hearing and approve the Plan of Services and the requested annexation. The Planning Commission unanimously recommended approval of the annexation request by a vote of 7-0.

Conduct a public hearing, pass and adopt the ordinance establishing the requested zoning. The Planning Commission unanimously recommended approval of the zoning request by a vote of 7-0.

Background Information

Douglas Dales has initiated a petition of annexation [2019-504] for approximately 3.1 acres located along Shelbyville Pike. The City developed its plan of services for this area. Additionally, Five Star Joint Venture presented to the City a zoning application [2019-411] for the same property to be zoned CH (Highway Commercial District) simultaneous with annexation.

During its regular meeting on May 1, 2019, the Planning Commission conducted public hearings on these matters and then voted to defer action, as there were some unresolved issues at that time relative to providing fire protection to the existing house on the property. During its regular meeting on June 5, 2019, after additional information was provided regarding fire protection, the Planning Commission considered these items under "Old Business" and voted to recommend their approval.

Council Priorities Served

Engaging Our Community

Public hearings are the official source of public input from stakeholders for annexation petitions and zoning applications.

Attachments:

1. Resolution 19-R-PS-20
2. Resolution-19-R-A-20
3. Ordinance 19-OZ-20
4. Maps of the area
5. Planning Commission staff comments from 6/5/19 meeting
6. Planning Commission minutes from 5/1/19 and 6/5/19 meetings
7. Plan of services
8. Other miscellaneous exhibits

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
JUNE 5, 2019
PROJECT PLANNER: AMELIA KERR**

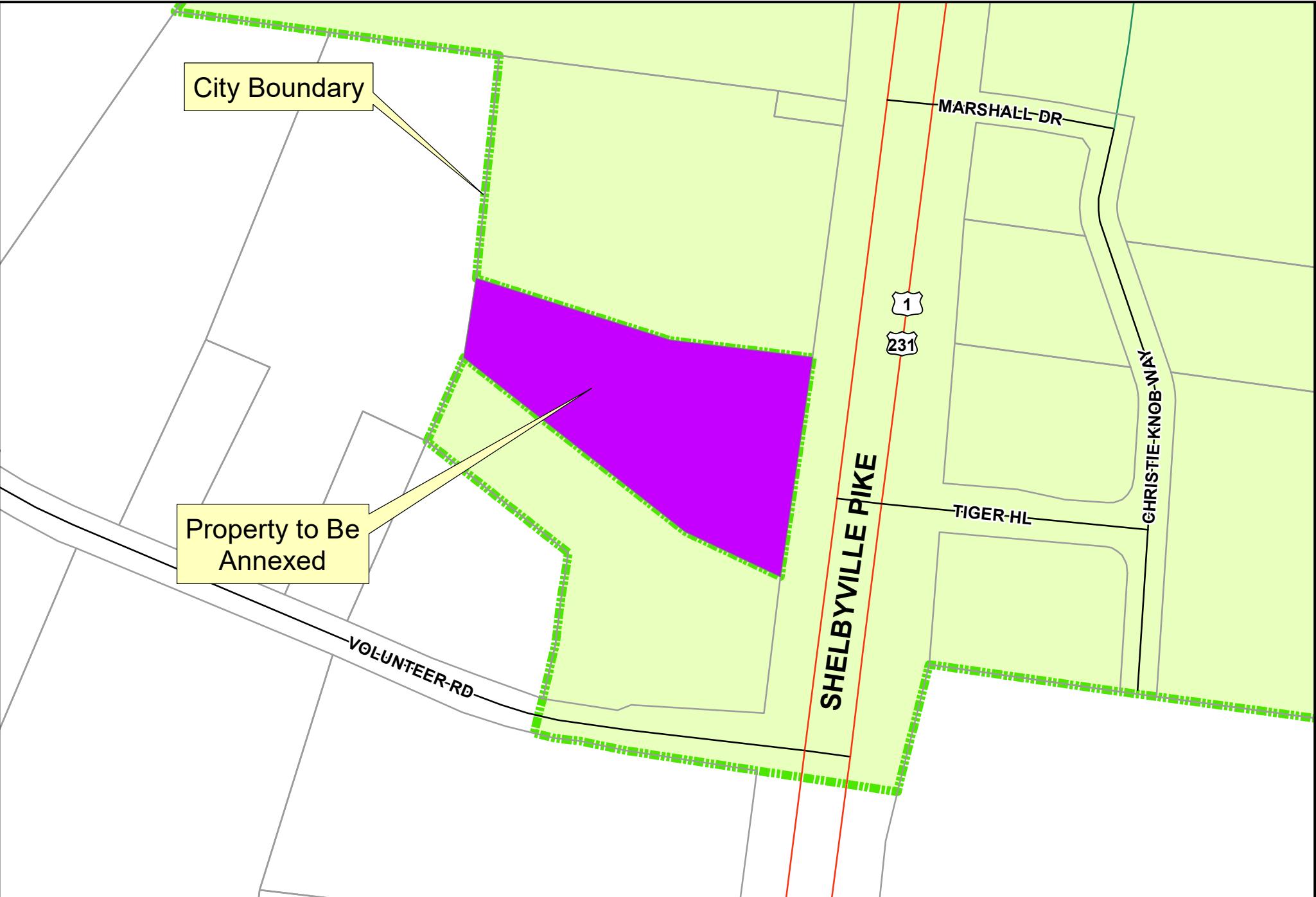
4.a. Annexation plan of services and annexation petition [2019-504] for approximately 3.1 acres located along Shelbyville Pike, Douglas Dales applicant.

The subject property, which consists of a single parcel, is located on Shelbyville Pike north of Volunteer Road. The subject parcel is approximately 3 acres and contains a single-family home and several accessory structures. The property owner has filed a written request to have the subject parcel annexed into the City Limits. The study area is located within the City's Urban Growth Boundary and is contiguous with the existing City limits on its north, south, and east boundaries.

Staff has prepared a plan of services for the annexation of the property. It has been included in the agenda packet. It indicates that the City will be able to provide services to the subject property upon annexation. The subject parcel does not currently have access to adequate fire protection, as the closest fire hydrant is approximately 1,100' to the south at Volunteer Road. While fire protection can be provided to the parcel in its current condition, Murfreesboro Fire & Rescue Department (MFRD) has indicated that additional fire protection may be necessary when the site is developed.

The Murfreesboro Water Resources Department indicates that this property must use an E-one grinder pump system for sanitation for compatibility with other private grinder pumps along the available 2 1/2" forcemain along this section of Shelbyville Pike.

The Planning Commission held a public hearing for this item at its May 1, 2019 meeting. The item was deferred due to fire protection issues. The Murfreesboro Fire and Rescue Department has since confirmed that it does not object to the annexation and rezoning. The Planning Commission will need to discuss this matter and formulate a recommendation for the City Council. An application to have the property zoned CH simultaneous with the annexation has also been filed. The zoning request will be the next item on the agenda.



City Boundary

Property to Be Annexed

SHELBYVILLE PIKE

1
231

MARSHALL DR

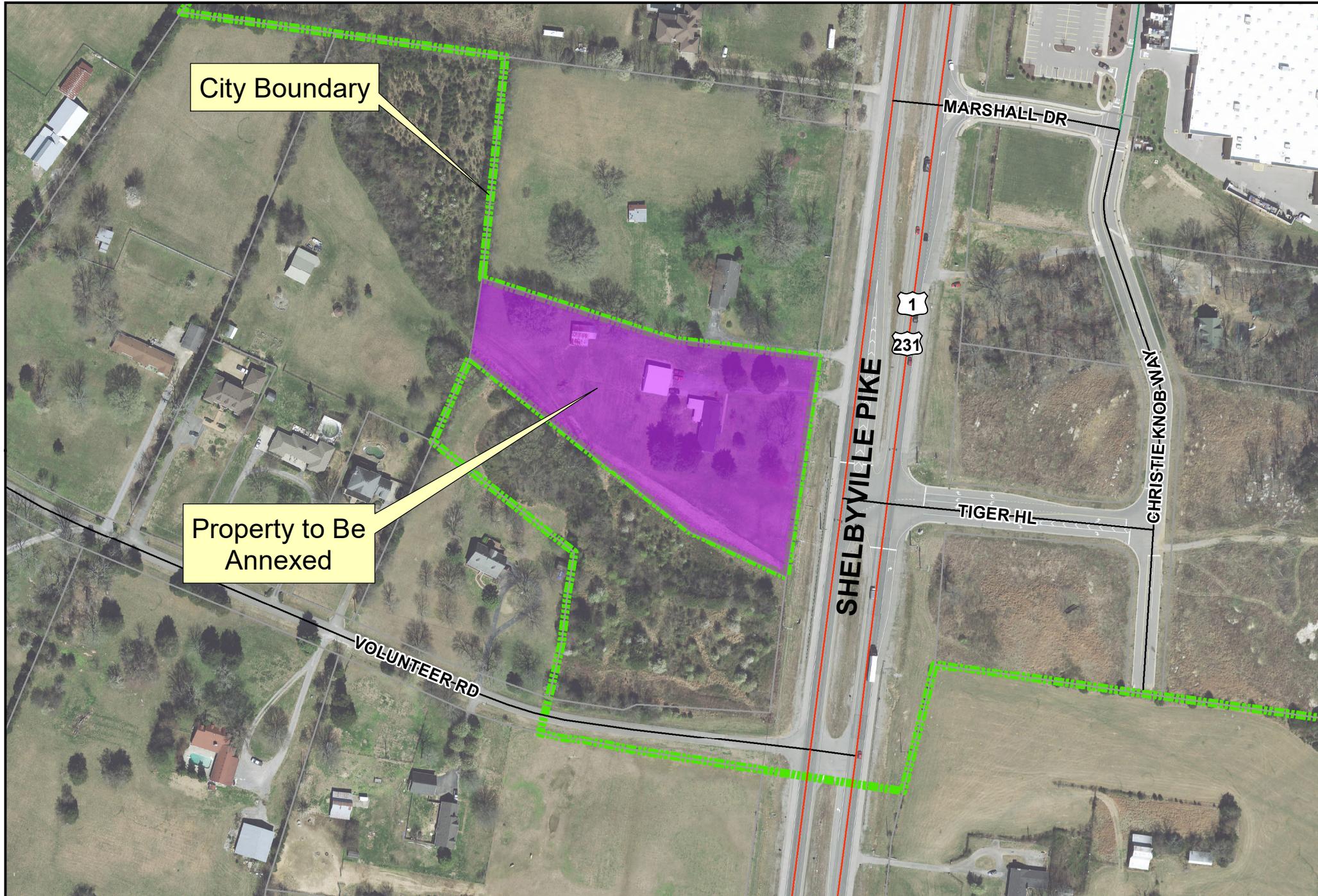
TIGER-HL

CHRISTIE-KNOB-NAV

Annexation Request for Property Along Shelbyville Pike

0 200 400 800 Feet





Annexation Request for Property Along Shelbyville Pike

0 200 400 800 Feet



G:\annex\Shelbyville_Pike_Annex_with_Aerial.mxd



Planning Department
City Of Murfreesboro
111 West Vine Street
Murfreesboro, Tennessee 37130
www.murfreesborotn.gov

PETITION FOR ANNEXATION BY THE CITY OF MURFREESBORO

The undersigned is the only owner / are all of the owners of the property identified in the attached legal description (including street address and tax map / parcel number), and hereby petitions the City of Murfreesboro to annex such property into the City.

Signatures must be by owners or those with an appropriate written Power of Attorney from an owner. If the owner is not an individual (eg. corporation, trust, etc.), list the entity's name, the name of the individual signing on behalf of the entity and the status of the individual (eg. president, trustee, partner). If you are signing this Petition based on a Power of Attorney, you must also attach a copy of the Power of Attorney.

1. Douglas M. Dales

Printed Name of Owner (and Owner's Representative, if Owner is an entity)

Signature: Douglas M. Dales Status: Owner Date: 3-18-19

Mailing Address (if not address of property to be annexed)

2.

Printed Name of Owner (and Owner's Representative, if Owner is an entity)

Signature: _____ Status: _____ Date: _____

Mailing Address (if not address of property to be annexed)

3.

Printed Name of Owner (and Owner's Representative, if Owner is an entity)

Signature: _____ Status: _____ Date: _____

Mailing Address (if not address of property to be annexed)

4.

Printed Name of Owner (and Owner's Representative, if Owner is an entity)

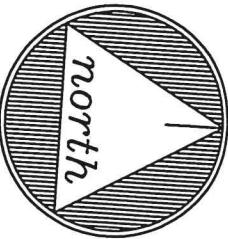
Signature: _____ Status: _____ Date: _____

Mailing Address (if not address of property to be annexed)

(Attach additional signature pages if necessary)

Legal Description is attached: X Yes

Power of Attorney applies and is attached: _____ Yes X No



SCALE: 1" = 100'
DATE: 3-12-19

MAP I36, PARCEL 3.06
JOHN McDUGAL ET UX
D.B. 332, PG. 223
ZONED RM

MAP I36, PARCEL 4.02
ANDREW S. MCLEAN ET AL
R.B. 1438, PG. 1381
ZONED RM

MAP I36, PARCEL 4.03
MICHAEL PEPPER
R.B. 109, PG. 1036
P.B. 3, PG. 104
ZONED RM

MAP I36, PARCEL 4.13
SOUTH CHURCH PROPERTIES,
LLC
R.B. 1686, PG. 3360
P.B. 25, PG. 207
ZONED CF

TO BE
REZONED CH

MAP I36, PARCEL 4.01
DOUGLAS M. DALES
R.B. 439, PG. 735
P.B. 3, PG. 104
ZONED RM
3.04 ACRES +/-

MAP I36, PARCEL 5.00 FIVE
STAR JOINT VENTURE
R.B. 1674, PG. 3657
ZONED CH

SHELBYVILLE PIKE

HWY 231

ZONED RM

ZONED CH

TIGER
HILL

ZONED CH

ZONED CH

SEC, Inc.

SITE ENGINEERING CONSULTANTS

ENGINEERING • SURVEYING • LAND PLANNING
850 MIDDLE TENNESSEE BLVD • MURFREESBORO, TENNESSEE 37129
PHONE (615) 890-7901 • FAX (615) 895-2567

$N66^{\circ}50'47''W$ 159'

$S04^{\circ}56'50''W$ 346'

$N55^{\circ}18'47''W$ 461'

$S84^{\circ}37'00''E$ 211'

$S74^{\circ}53'00''E$ 345'

$N05^{\circ}23'00''E$ 130'

REZONING EXHIBIT
MAP 136, PARCEL 4.01
DOUGLAS M. DALES
3602 SHELBYVILLE HWY.
MURFREESBORO, TN.
11TH CIVIL DISTRICT
RUTHERFORD COUNTY
R.B. 439, PG. 735
P.B. 3, PG. 104

PROPERTY DESCRIPTION

MAP 136, PARCEL 4.01

DOUGLAS M. DALES

A TRACT OF LAND IN THE 11TH CIVIL DISTRICT OF RUTHERFORD COUNTY, TENNESSEE, BOUNDED ON THE NORTH BY FIVE STAR JOINT VENTURE (R.B. 1674, PG. 3657), ON THE EAST BY THE RIGHT OF WAY FOR SHELBYVILLE HIGHWAY (U.S. 231), ON THE SOUTH BY SOUTH CHURCH PROPERTIES, LLC (R.B. 1686, PG. 3360) AND ON THE WEST BY MICHAEL PEPPER (R.B. 109, PG. 1036). PROPERTY IS MORE PARTICULARLY DESCRIBED AS FOLLOW:

BEGINNING AT THE SOUTHEAST CORNER OF FIVE STAR JOINT VENTURES, A POINT IN THE WESTERLY RIGHT OF WAY FOR SHELBYVILLE PIKE;

THENCE WITH SAID RIGHT OF WAY, S04°56'50"W, A DISTANCE OF 346' TO THE NORTHEAST CORNER OF SOUTH CHURCH PROPERTIES, LLC;

THENCE LEAVING THE WESTERLY RIGHT OF WAY FOR SHELBYVILLE PIKE AND WITH THE NORTHERLY LINE OF SOUTH CHURCH PROPERTIES, LLC WITH THE FOLLOWING CALLS:

N66°50'47"W, A DISTANCE OF 159';

THENCE, N55°18'47"W, A DISTANCE OF 461' TO THE NORTHWEST CORNER OF SOUTH CHURCH PROPERTIES, LLC, A POINT IN THE EASTERLY LINE OF MICHAEL PEPPER (R.B. 109, PG. 1036);

THENCE WITH THE EASTERLY LINE OF MICHAEL PEPPER, N05°23'00"E, A DISTANCE OF 130' TO THE SOUTHWEST CORNER OF FIVE STAR JOINT VENTURE (R.B. 1674, PG. 3657), THENCE WITH THE SOUTHERLY LINE OF FIVE STAR JOINT VENTURE AND THE FOLLOWING CALLS:

S74°53'00"E, A DISTANCE OF 345';

THENCE, S84°37'00"E, A DISTANCE OF 211';

WHICH IS THE POINT OF BEGINNING, HAVING AN AREA OF 3.04 ACRES, MORE OR LESS.

BEING THE SAME PROPERTY CONVEYED TO DOUGLAS M. DALES, OF RECORD IN RECORD BOOK 439, PAGE 735, IN THE OFFICE OF THE REGISTER OF DEEDS FOR RUTHERFORD COUNTY, TENNESSEE.



... creating a better quality of life

MEMORANDUM

DATE: May 16, 2019

TO: Amelia Kerr, Planner

FROM: Assistant Chief Peas *cp*

SUBJ: South Church Street Annexation Study

The Murfreesboro Fire Rescue Department can provide emergency services to the requesting parcel. The parcel is 1.2 miles from Fire Station #2 (2880 Runnymede Drive). Currently there appears to be three structures on the requesting parcel. The closest fire hydrant is approximately 1,100' to the South at Volunteer Road. Additional fire protection may be required if the site is ever redeveloped. Murfreesboro Fire Rescue can provide emergency services upon second and final reading.

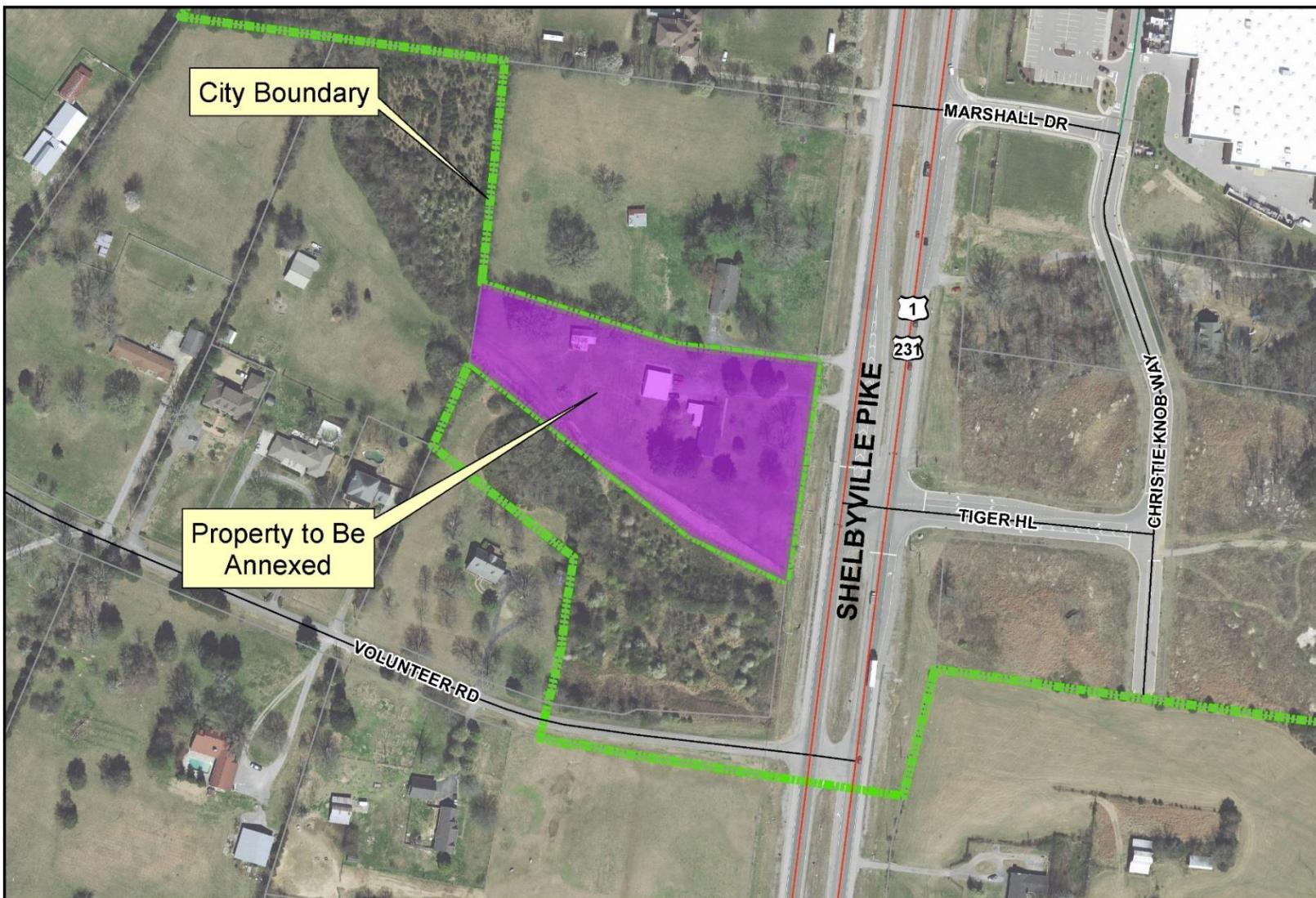
If you have any questions please call.

Xc: Chief Foulks
Deputy Chief Toombs
Assistant Chief Jernigan
Gerald Lee GIS

ANNEXATION REPORT FOR PROPERTY LOCATED ALONG SHELBYVILLE PIKE INCLUDING PLAN OF SERVICES



**PREPARED FOR THE
MURFREESBORO PLANNING COMMISSION
June 5, 2019**



Annexation Request for Property Along Shelbyville Pike

0 200 400 800 Feet



G:\annex\Shelbyville_Pike_Annex_with_Aerial.mxd



Planning Department
City Of Murfreesboro
111 West Vine Street
Murfreesboro, Tennessee 37130
www.murfreesborotn.gov

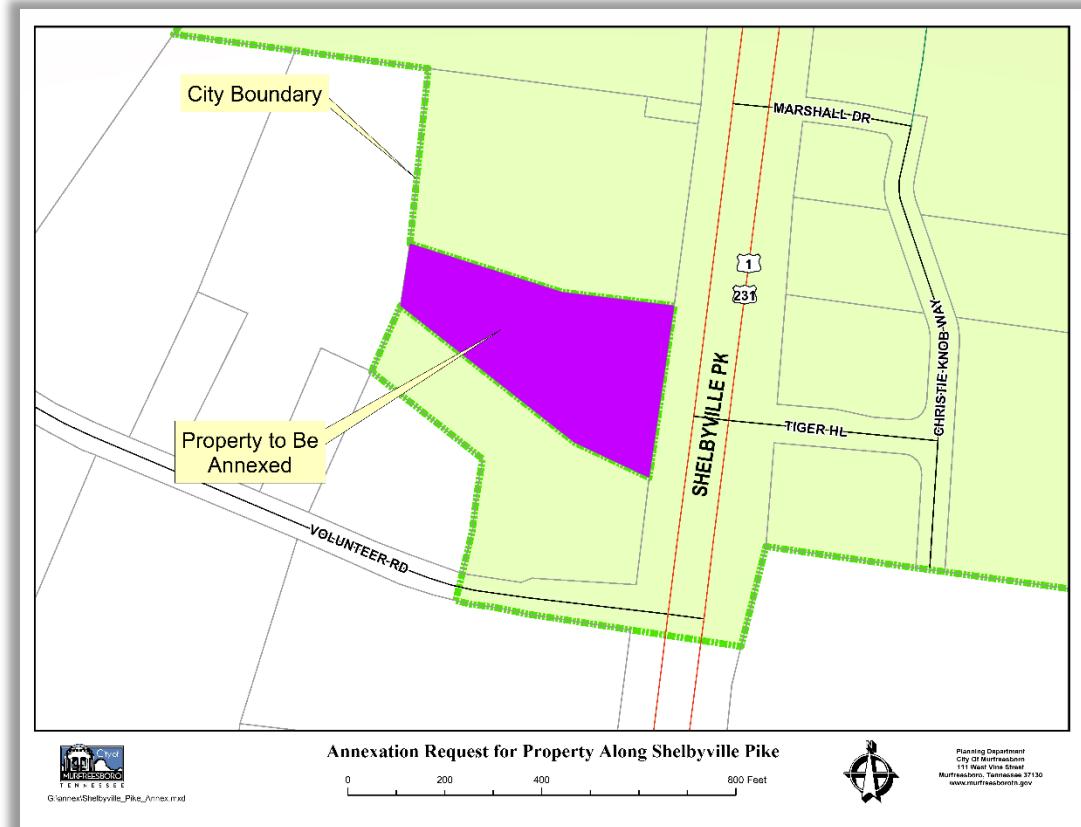
INTRODUCTION

OVERVIEW

The applicant, Douglas Dales, has requested annexation of the property located at 3602 Shelbyville Pike, along the western side of Shelbyville Pike. The area studied in this Plan of Services is approximately 3 acres:

- Tax Map 136, Parcel 00401

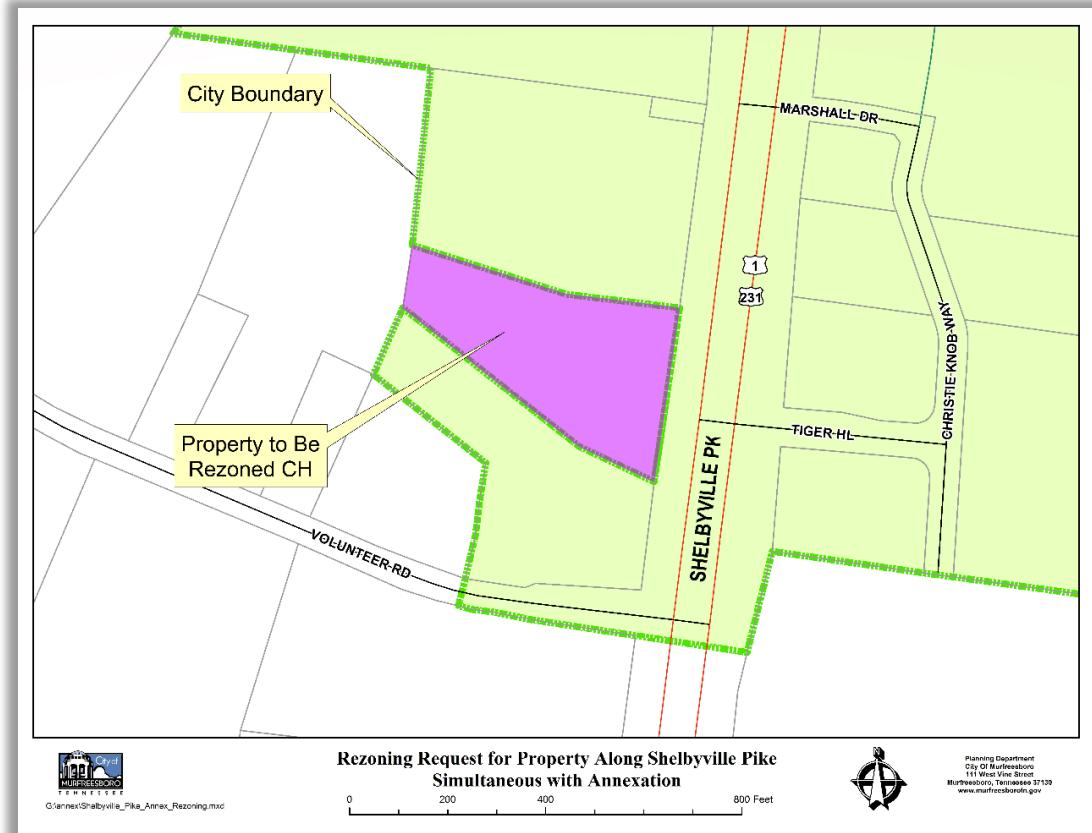
The study area lies within the City of Murfreesboro's Urban Growth Boundary. The parcels to the north and south of the subject property are within the City, and the adjacent area to the west lies within the unincorporated County.



CITY ZONING

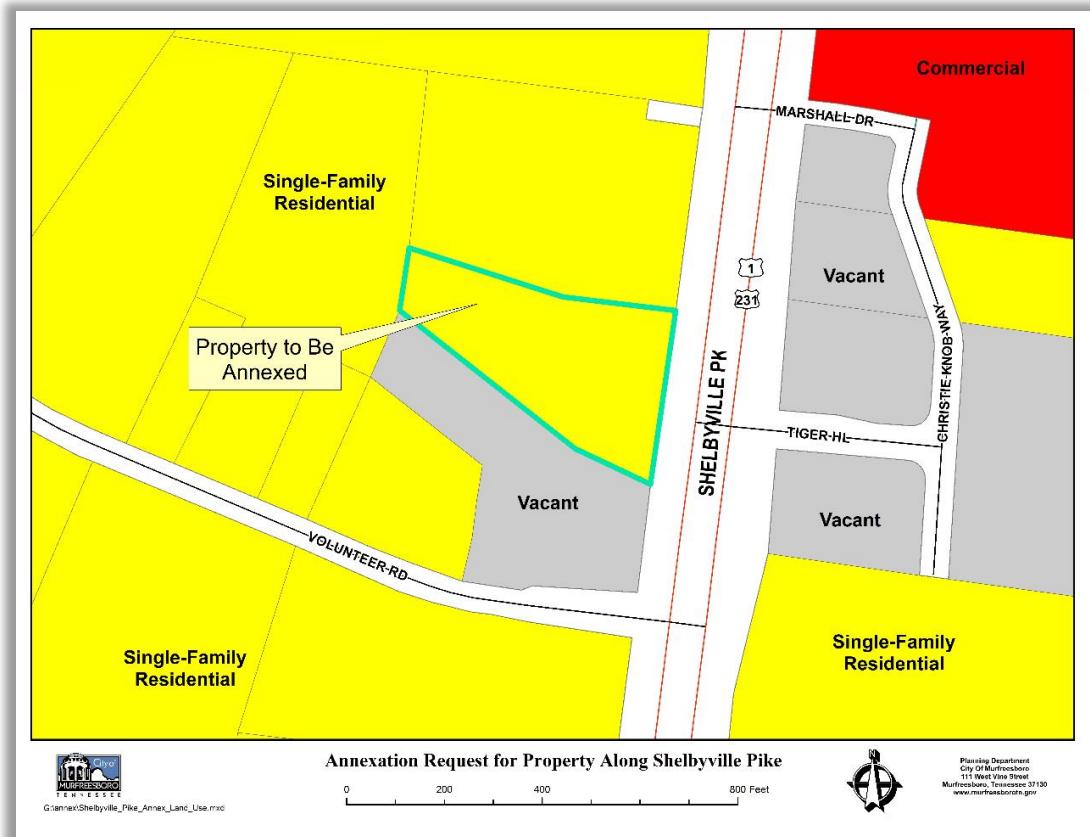
The applicant has requested rezoning to CH (Commercial Highway District) for the study area simultaneous with annexation. The study area is presently zoned RM (Residential – Medium Density) in the unincorporated County.

Adjacent property to the west of the study area lies within the unincorporated County and is zoned RM. Properties located north and south of the study area are within the City and are zoned CH and CF, respectively.



PRESENT AND SURROUNDING LAND USE

The study area is developed with a single-family residence and several accessory structures. The property to the north is developed with a single-family home, and the property to the south is being developed with a medical clinic. Adjacent properties to the west are large single-family tracts of land and single-family residential lots. Directly across Shelbyville Pike to the east are several vacant CH-zoned lots.



TAXES AND REVENUE

The first City tax bill for all property annexed during the calendar year of 2019 will be due on December 31, 2020. City taxes are calculated upon the property appraisal and assessment of the Rutherford County Property Assessor's Office. The current tax rate for the City of Murfreesboro is \$1.2894/\$100.00 assessed value. Residential property is assessed at a rate of 25% of its appraised value, and commercial property is assessed at a rate of 40% of its appraised value. Table I below shows total assessment and estimated City taxes that would be collected if the property were to be annexed in its present state.

Table I
Estimated Taxes from Site

Owner of Record	Acres	Land Value	Improvements Value	Total Assessment	Estimated City Taxes
Douglas Dales	3.1	\$57,400	\$176,100	\$58,375	\$752.69

These figures are for the property in its current state. The study area is proposed to be zoned and developed commercially.

PLAN OF SERVICES

POLICE PROTECTION

At present, the study area receives police service through the Rutherford County Sheriff's Department. If annexed, the Murfreesboro Police Department can provide police services to the property as it currently exists immediately upon the effective date of annexation. This annexation will have no negative impact on the Murfreesboro Police Department. No additional costs to the department are expected as a result of this annexation based on the current state of the property as a result of this annexation based on the current state of the property. This property is located in Police Zone #7.

ELECTRIC SERVICE

The property is located within Middle Tennessee Electric Membership Cooperative's (MTEMC) service boundary. MTEMC currently serves the residence on this property and has the capacity to continue to provide service for any future development that may occur on this property.

STREET LIGHTING

According to MTEMC, street lighting already exists along Shelbyville Pike to the north of the subject property and if requested by the City of Murfreesboro street lighting can be installed along Shelbyville Pike in front of the subject property as well.

STREETS AND ACCESS

Public Roadway System

The annexation study area does not include any public roadway systems. Access to a public roadway system is available through Shelbyville Pike. Shelbyville Pike is existing State Route 10/US 231. Roadway connections to Shelbyville Pike will require approval of TDOT following review by the City Engineer and must align with Tiger Hill. A public access easement must be provided from connection to Shelbyville Pike to the property to the south.

Any future public roadway facilities to serve the study area must be constructed to City standards.

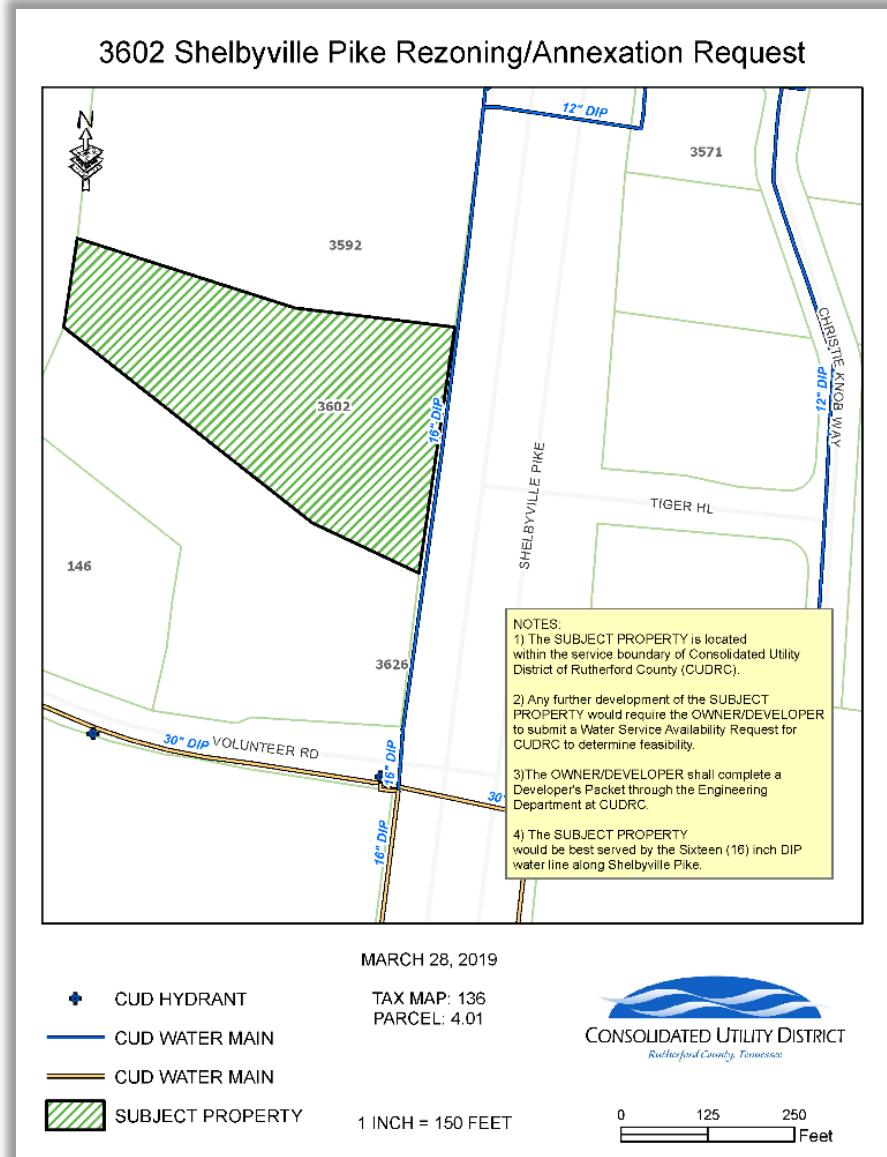
Regional Traffic and Transportation Conditions

The study area is served by Shelbyville Pike as the major roadway facility. The 2014 Level of Service Model in the proposed 2040 Major Transportation Plan shows Shelbyville Pike to be operating at a Level of Service C in the study area using average daily traffic (ADT) counts. The 2040 Level of Service Model indicates Shelbyville Pike will operate at a Level of Service D without the proposed improvements recommended in the 2040 Plan. The 2040 Level of Service Model indicates Shelbyville Pike will continue to operate at a Level of Service D with the proposed improvements recommended in the 2040 Plan.

WATER SERVICE

The study area lies within Consolidated Utility District's (CUD) service area. CUD presently maintains a sixteen (16)-inch water main along the eastern side of the study area along Shelbyville Pike to serve the property. CUD currently provides water service to the existing house and will continue to do so upon annexation if the house remains. The existing infrastructure is adequate to serve the existing structures. Any further development would require the developer of the property to submit a Water Service Availability Request to CUD to determine if water demands can be met at this location. Also, the developer will be required to complete CUD's Developer Packet prior to entering the construction phase.

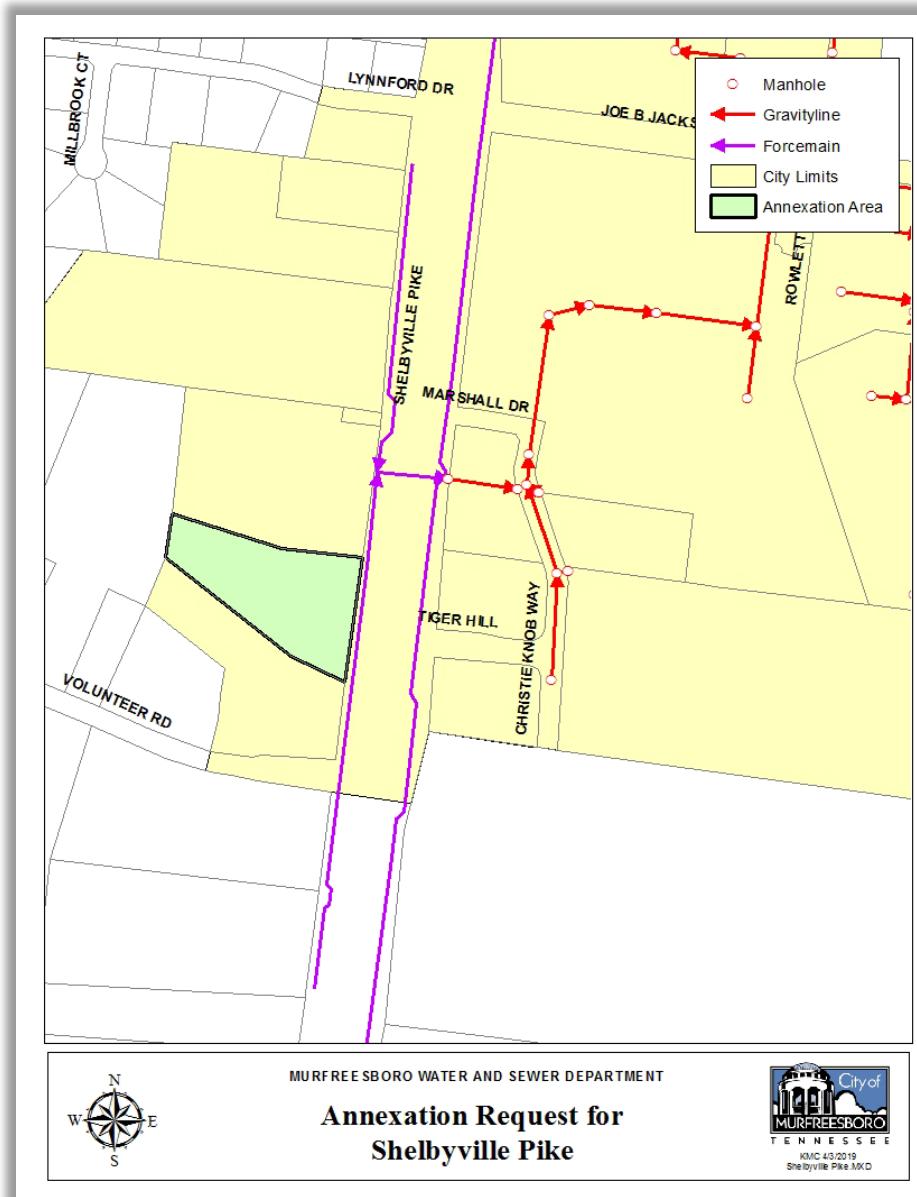
The existing water lines are shown on the adjacent map. Any new water line development must be done in accordance with CUD's development policies and procedures.



SANITARY SEWER SERVICE

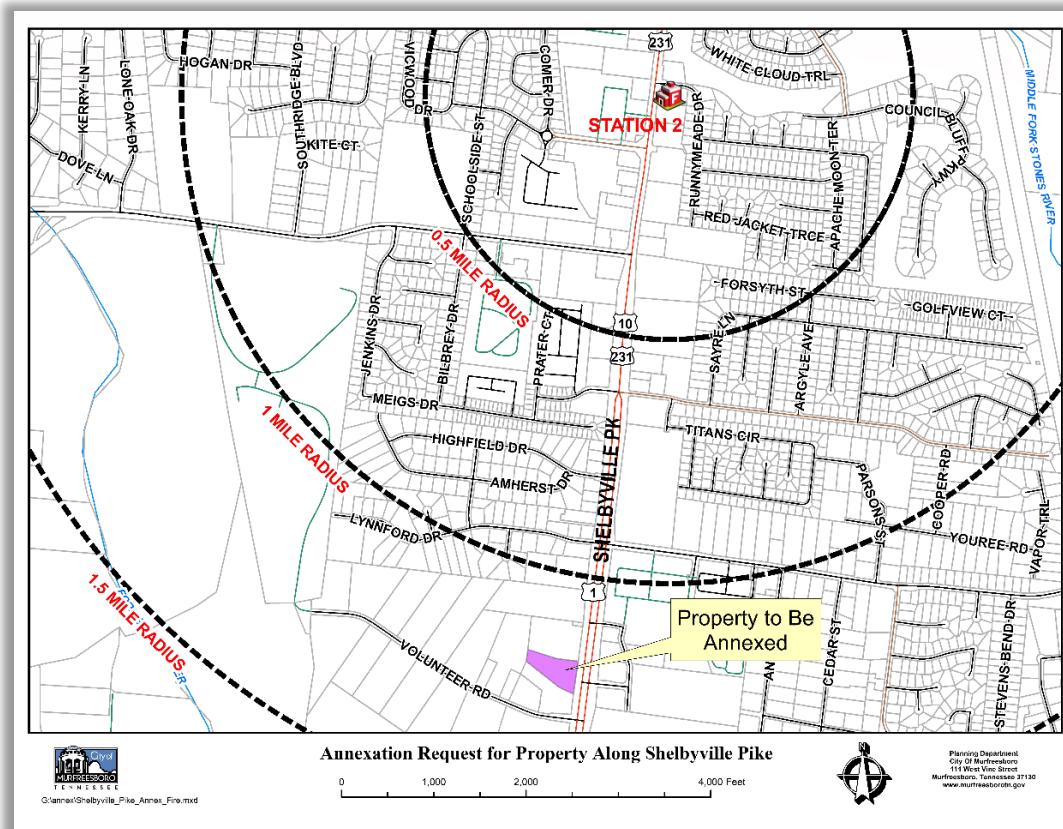
Sanitary sewer is currently available to serve the subject property, per the Murfreesboro Water Resources Department's (MWRD) definition of "available." There is an existing 2½-inch sewer force main along the western right-of-way of Shelbyville Pike. There is a 2½-inch service connection stubbed to the property line at the southeastern corner of the subject property. This property must use an E/one grinder pump system, so that it will be compatible with the other private grinder pumps along this section of force main. Each individual grinder pump will be a private pump maintained by each property owner and MWRD will maintain the common force main along the right-of-way of Shelbyville Pike.

This property is within the South Church Street Sanitary Sewer Assessment District and will be charged \$10,600 per acre in addition to the current and standard connection fees which is \$2,550 per single-family unit or equivalent.



FIRE AND EMERGENCY SERVICE

The closest fire station to the subject tract is Fire Station #2, located at 2880 Runnymede Drive, 1.2 miles from the study area. The dashed lines on the adjacent map represent linear distance ranges from the nearest fire stations. There is an existing single-family dwelling and two (2) accessory structures. The closest fire hydrant is approximately 1,100' to the south at Volunteer Road. Upon redevelopment additional fire protection may be required by the Murfreesboro Fire and Rescue Department (MFRD). After annexation MFRD will be able to provide emergency services to the requesting parcel then required fire protection can be installed at the time of development.



SOLID WASTE COLLECTION

The Solid Waste Department will provide household garbage collection service on Thursdays. The cost of the cart would be \$53.30. In addition, it will provide brush/debris removal every two-three weeks. Service can be provided immediately upon annexation.

BUILDING AND CODES

The property will come within the City's jurisdiction for code enforcement immediately upon the effective date of annexation. The City's Building and Codes Department will begin issuing building and construction permits and enforcing the codes and inspecting new construction for compliance with the City's construction codes immediately upon the effective date of annexation. The Building and Codes Department will also ensure that any new signs associated with the development of the property comply with the Sign Ordinance. No additional costs are expected.

RECREATION

Murfreesboro's Parks and Recreation facilities will be immediately available to residents of the study area. Currently Murfreesboro has two multi-purpose facilities, one community center, a wilderness facility, over 1,000 acres of parks, a network of greenways, and recreational sports. These facilities and programs are wholly funded by the Murfreesboro taxpayers. Children who are residents of the

City of Murfreesboro, attend Murfreesboro Elementary Schools, and receive free or reduced lunches also receive free or reduced recreational fees.

CITY SCHOOLS

The Murfreesboro City School system serves grades kindergarten through sixth and is offered to students who are within the jurisdiction of the City of Murfreesboro. The study area is currently located in the new Salem Elementary school zone scheduled to open August 2019. Murfreesboro City Schools is prepared to accommodate any elementary school students generated by this annexation.

GEOGRAPHIC INFORMATION SYSTEMS

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

PLANNING, ENGINEERING, AND ZONING SERVICES

The property will come within the City's jurisdiction for planning and engineering code enforcement immediately upon the effective date of annexation. As new development occurs, the Planning Commission will review all site plans, preliminary, and final plats. Among other duties, the Planning and Engineering Departments will inspect and monitor new construction of streets and drainage structures for compliance with the City's development regulations.

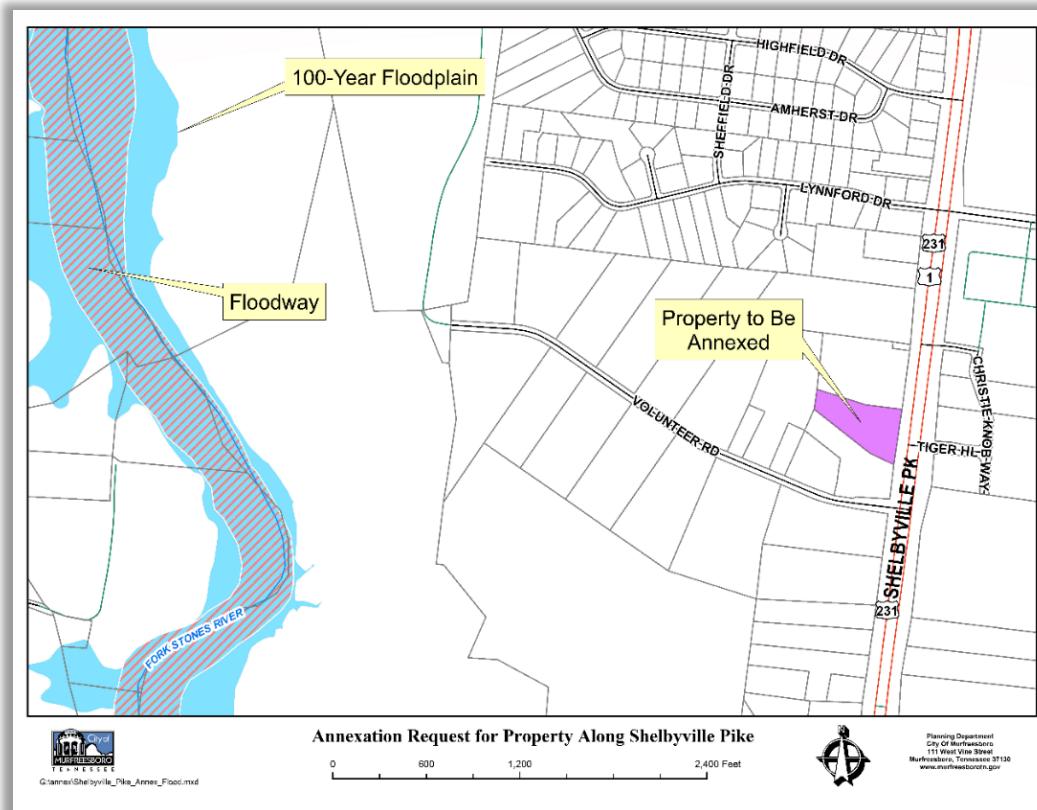
Property and Development

New development should comply with the City's Stormwater Quality Regulations by providing stormwater quality, streambank protection, and detention.

FLOODWAY

The study area is not located within a floodway or 100-year floodplain as delineated on the Flood Insurance Rate Maps (FIRM) developed by the Federal Emergency Management Agency (FEMA).

The map shows the floodway boundary in red stripes and the 100-year floodplain boundary in blue.



DRAINAGE

Public Drainage System

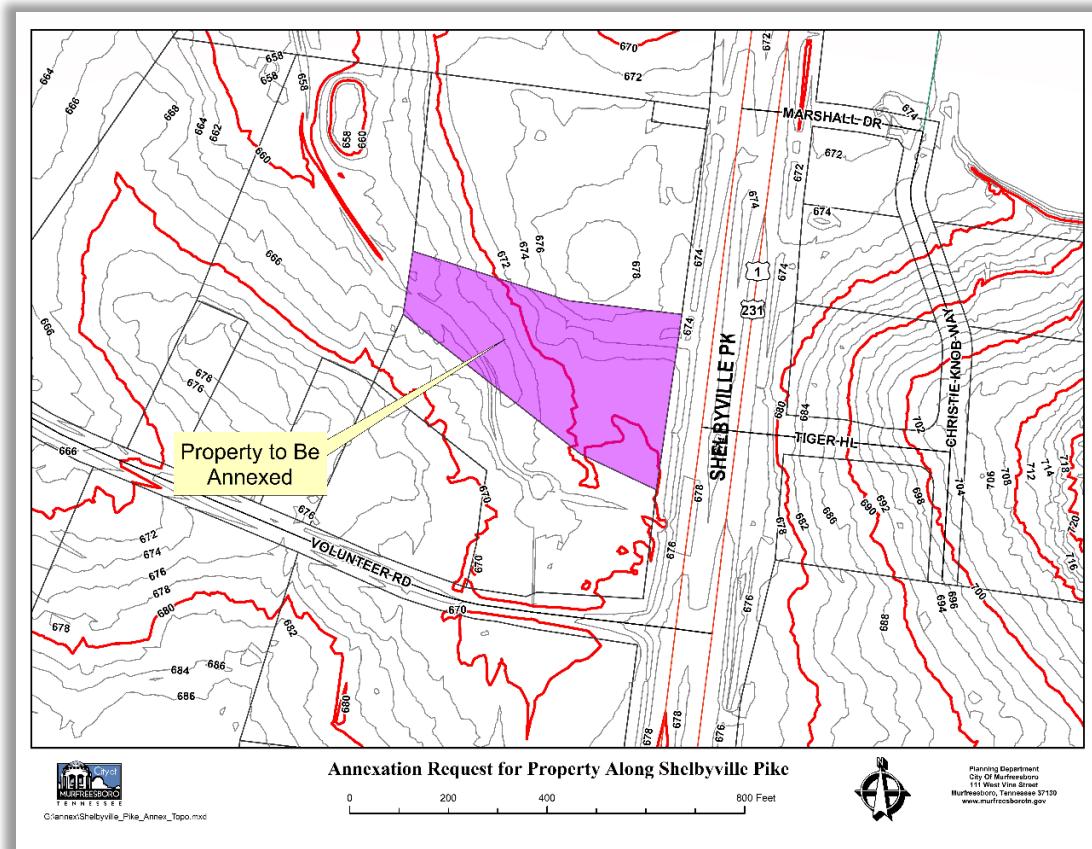
Public Drainage facilities available to the study area are located within the right-of-way (ROW) of Shelbyville Pike. The annualized operation and maintenance cost for the systems is included in the public roadway sections above as they are internal roadway drainage system. Future operation and maintenance costs are anticipated to be paid from the Stormwater Utility Fee and State Street Aid. A public drainage easement will need to be provided for the stormwater that enters the site from the south and leaves the site on the western property line. No other public drainage facilities are available to the study area. Any public drainage facilities proposed to serve the study area in the future must meet City standards.

Regional Drainage Conditions

A review of the regional drainage patterns indicates the study area drains to the ROW of Shelbyville Pike and to the west in a swale along the southern property line.

Stormwater Management and Utility Fees

Upon annexation, stormwater management services provided by the City of Murfreesboro will be available to the study area. The study area currently has one single-family residence and will generate approximately \$39 per year in revenue for the Stormwater Utility Fee. The applicant is requesting a Commercial Highway (CH) zoning classification with annexation. Based on this development scenario, it is anticipated that the site will generate approximately \$650 annually in revenue for the Stormwater Utility Fund upon full build-out.



ANNEXATION FOLLOW-UP

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

**Minutes of the
Murfreesboro Planning Commission
May 1st, 2019
Council Chambers 6:00 P.M.**

Members Present

Kathy Jones, Chair
Ken Halliburton, Vice Chair
Warren Russell
Ronnie Martin
Jennifer Garland
Chase Salas

Staff Present

Donald Anthony, Planning Director
Matthew Blomeley, Assist. Planning Director
Margaret Ann Green, Principal Planner
Sam Huddleston, Executive Director of Dev. Services
David Ives, Assistant City Attorney
Lexi Stacey, Recording Assistant
Dianna Tomlin, Principal Planner
Amelia Kerr, Planner
Austin Cooper, Planner
Jafar Ware, Planner
Robert Holtz, Building and Codes Director
Teresa Stevens, Sign Administrator

Chair Kathy Jones called the meeting to order after determining there was a quorum.

The minutes from the March 6th, 2019 and April 17th, 2019 Planning Commission meetings were approved as submitted.

Annexation plan of services and annexation petition [2019-504] for approximately 3.1 acres located along Shelbyville Pike, Douglas Dales applicant. Ms. Amelia Kerr summarized the staff report, which was made available in the agenda packet provided to the Planning Commission. Ms. Kerr noted that although the City can provide utilities to the subject property, the Murfreesboro Fire and Rescue Department has indicated that they cannot provide services to the existing structures on the property due to the nearest fire hydrant being approximately 1,100 feet to the south. Ms. Kerr added that the Murfreesboro Fire and Rescue Department requested that a fire hydrant be installed or the structures be removed prior to the effective date of annexation. Ms. Kerr requested that this item be deferred until a resolution is for fire protection is determined. Mr. Matt Taylor was in attendance to represent the applicant.

Chair Kathy Jones opened the public hearing.

The following residents spoke during the public hearing:

- Andy McClean (146 Volunteer Road) asked the Planning Commission if the owner had received the required 51 percent of signatures by the Town and Country Estates

May 1st, 2019

residents, as it is required by their restrictive covenants for the rezoning to commercial.

Chair Jones closed the public hearing.

Mr. Taylor said that the seller did obtain the 51 percent of the required signatures.

Mr. Ken Halliburton made a motion to defer, seconded by Mr. Chase Salas. The motion carried by unanimous vote in favor.

Zoning application [2019-411] for approximately 3.1 acres located along Shelbyville Pike to be zoned CH simultaneous with annexation, Five Star Joint Venture applicant. Ms. Amelia Kerr summarized the staff report, which was made available in the agenda packet provided to the Planning Commission. Mr. Matt Taylor noted that the Future Land Use map was approved before the surrounding area started growing as commercial, in particular, the Murfreesboro Medical Clinic developing adjacent to the subject property.

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

Mr. Ronnie Martin made a motion to defer, seconded by Ms. Jennifer Garland. The motion carried by unanimous vote in favor.

Proposed amendments to the Zoning Ordinance regarding Sections 14 and 22 and Charts 1 and 2 [2019-803]; pertaining to industrial uses, City of Murfreesboro Planning Department applicant. Mr. Donald Anthony summarized the staff report, which was made available to the Planning Commission. Mr. Anthony explained that this proposal is for a new zoning district, General Industrial. Mr. Anthony noted that General Industrial will serve as step between Light Industrial and Heavy Industrial. Mr. Anthony added that this zoning district will be similar to Heavy Industrial but would remove the adult-oriented uses, as well as heavier, more intense industrial uses.

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

Mr. Ken Halliburton made a motion to approve, seconded by Mr. Chase Salas. The motion carried by unanimous vote in favor.

Proposed amendment to the Zoning Ordinance regarding Section 24, Article VI, City Core Overlay expansion (2019-802), City of Murfreesboro Planning Department applicant. Ms. Dianna Tomlin summarized the staff report, which was made available in the agenda packet provided to the Planning Commission. Ms. Tomlin asked for the Planning Commission to allow staff to look at and modify the language of the Single-Family Residential district but allow staff to proceed with taking the proposed ordinance amendment to City Council.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION

JUNE 5, 2019

MEMBERS PRESENT

Kathy Jones, Chair
Ken Halliburton, Vice Chair
Eddie Smotherman
Warren Russell
Ronnie Martin
Jennifer Garland
Chase Salas

STAFF PRESENT

Donald Anthony, Planning Director
Matthew Blomeley, Assistant Director
Margaret Ann Green, Principal Planner
Amelia Kerr, Planner
Sam Huddleston, Executive Dir. of Dev. Services
Carolyn Jaco, Recording Assistant
David Ives, Assistant City Attorney
Austin Cooper, Planner
Jafar Ware, Planner

Chair Kathy Jones called the meeting to order after determining there was a quorum. The minutes of the April 3, 2019, May 1, 2019 and May 15, 2019, Planning Commission meetings were approved as submitted.

Mr. David Ives began by making known the City Administration has requested for the Planning Commission to consider a Mandatory Referral regarding a Memorandum of Understanding (MOU). He explained, a proposal had been made by Rutherford County to lease City owned property at the intersection of Fortress Boulevard and Blaze Drive. The land being considered would be a 50-year lease with Rutherford County. The property consists of 17.6 acres on which Rutherford County proposes to construct a County Clerk Annex, and sublease space to the State of Tennessee, for a second Driver's License office. If approved, the lease would require the County's platting and building process, subject to all City Planning Department, Planning Commission and Codes provisions and approvals.

Mayor Bill Ketron was in attendance to represent the applicant.

Mr. Ken Halliburton made a motion to approve the Mandatory Referral subject to all staff comments, seconded by Mr. Warren Russell. The motion carried by unanimous vote in favor.

Old Business

Annexation plan of services and annexation petition [2019-504] for approximately 3.1 acres located along Shelbyville Pike, Douglas Dales applicant. Ms. Amelia Kerr summarized the staff report, which

MINUTES OF THE MURFREESBORO PLANNING COMMISSION

JUNE 5, 2019

had been made available to the Planning Commission in their agenda packet. Ms. Kerr made known the annexation petition had been deferred during the May 1, 2019, Public Hearing due to concerns from the Murfreesboro Fire Department. Since then, the Fire Department has provided a letter stating they could provide fire protection to this property at the time of annexation. In addition, Ms. Kerr provided a corrected copy of the Taxes and Revenue sheet that would be included in the Plans of Services prior to this item being presented to City Council.

Mr. Ronnie Martin made a motion to approve the annexation plan of services and annexation petition, seconded by Mr. Chase Salas. The motion carried by unanimous vote in favor.

Zoning application [2019-411] for approximately 3.1 acres located along Shelbyville Pike to be zoned CH simultaneous with annexation, Five Star Joint Venture applicant. Ms. Amelia Kerr summarized the staff report, which had been made available to the Planning Commission in their agenda packet. Ms. Kerr made known this item had been deferred during the May 1, 2019, Public Hearing due to concerns from the Murfreesboro Fire Department. Since then, the Fire Department has provided a letter stating they could provide fire protection to this property at the time of annexation.

Mr. Chase Salas made a motion to approve the zoning request subject to all staff comments, seconded by Mr. Ken Halliburton. The motion carried by unanimous vote in favor.

Public Hearings

Zoning application [2019-413] for approximately 20.06 acres located east of New Salem Highway and south of Middle Tennessee Boulevard to be rezoned from H-I to L-I, Newton & James Molloy Families applicant. Ms. Amelia Kerr summarized the staff report, which had been made available to the Planning Commission in their agenda packet. Ms. Kerr made known this request would be considered as down zoning. The applicant has provided a list of speculative uses for the LI zone request. In addition, this request would be consistent with proposed changes being made to the 2035 Comprehensive Plan future land use map that Staff would be presenting in the coming months.

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

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
JUNE 5, 2019**

PROJECT PLANNER: AMELIA KERR

4.b. Zoning application [2019-411] for approximately 3.1 acres located along Shelbyville Pike to be zoned CH simultaneous with annexation, Five Star Joint Venture applicant.

The subject property is located along the west side of Shelbyville Pike and north of Volunteer Road. The property is mostly undeveloped but does contain a residence and two (2) accessory structures. The requested parcel totals approximately 3.1 acres. The previous item on the agenda was the annexation petition and plan of services. The applicant has requested a zoning classification of Commercial Highway (CH) simultaneous with annexation. This property lies within the City of Murfreesboro's Urban Growth Boundary and is currently zoned Residential Medium -Density (RM) in the unincorporated county.

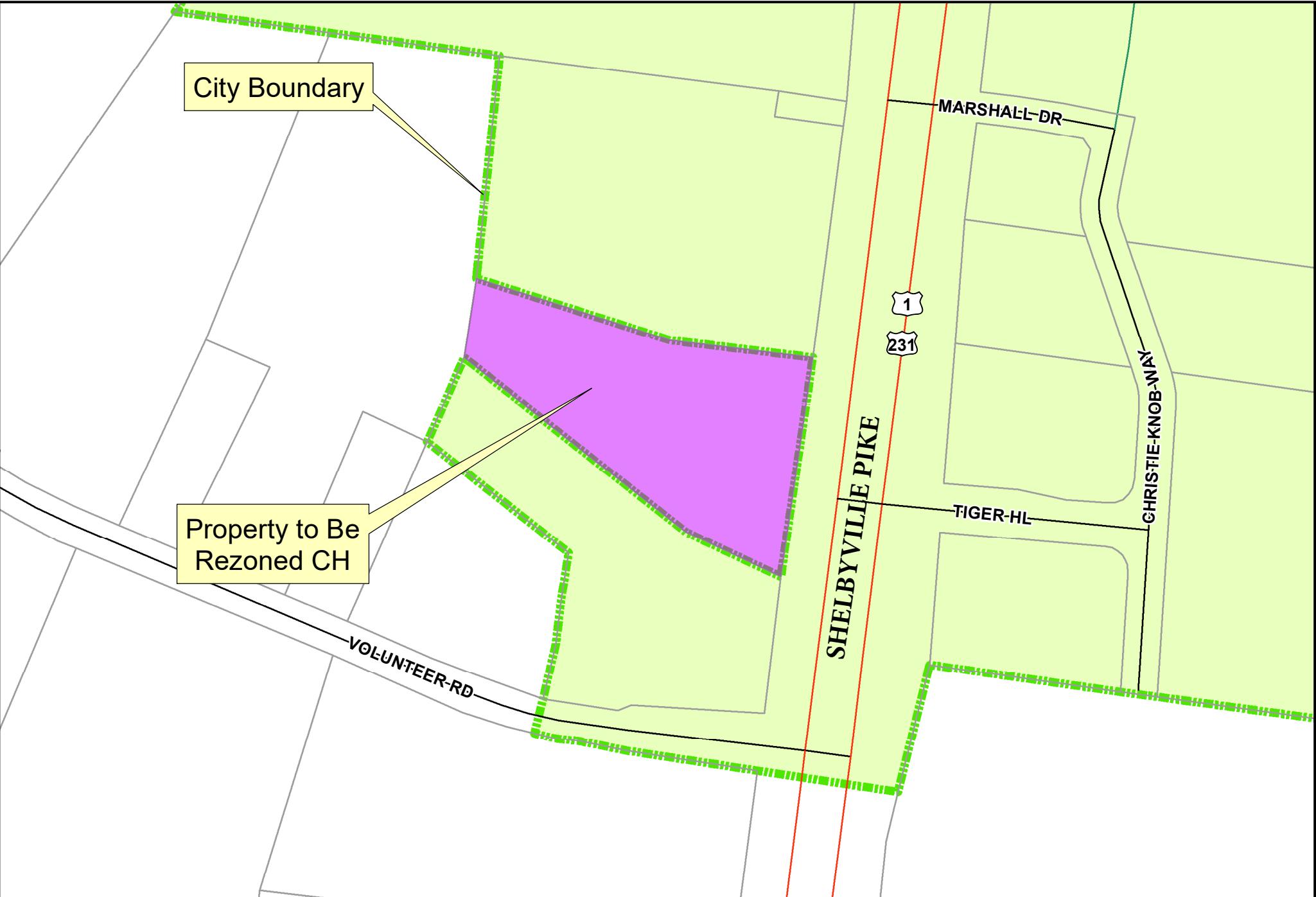
The properties to the north and south of the property are within the city and zoned CH and CF respectively. The adjacent area to the west lies within the unincorporated area and is the single-family residential subdivision Town and Country Estates. Properties located across Shelbyville Pike from the property are vacant tracts of land zoned CH. Further northeast of the subject property is Wal-mart on Joe B. Jackson Parkway.

Future Land Use Map

The future land use map of the *Murfreesboro 2035 Comprehensive Plan*, which was adopted in July 2017, recommends that Suburban Residential is the most appropriate land use character for the subject property, as shown on the map included in the agenda packet. The characteristics of Suburban Residential include detached residential dwellings of 2.0-3.54 dwelling units per acre. Compatible existing zoning districts are RS-15, RS-12 and RS-10.

The proposed rezoning is inconsistent with the future land use map of the *Murfreesboro 2035 Comprehensive Plan*. The Planning Commission should discuss the proposed zoning with regards to the recommended Suburban Residential land use character designation and determine if this is an appropriate instance to deviate from the plan's recommendation and whether or not an amendment to the future land use map is warranted.

The Planning Commission held a public hearing for this item at its May 1, 2019 meeting. The item was deferred due to fire protection issues related to the accompanying annexation request. The Murfreesboro Fire and Rescue Department has since confirmed that it does not object to the annexation and rezoning. The Planning Commission will need to discuss this matter and formulate a recommendation for the City Council.



City Boundary

Property to Be
Rezoned CH

SHELBYVILLE PIKE

1
231

MARSHALL DR

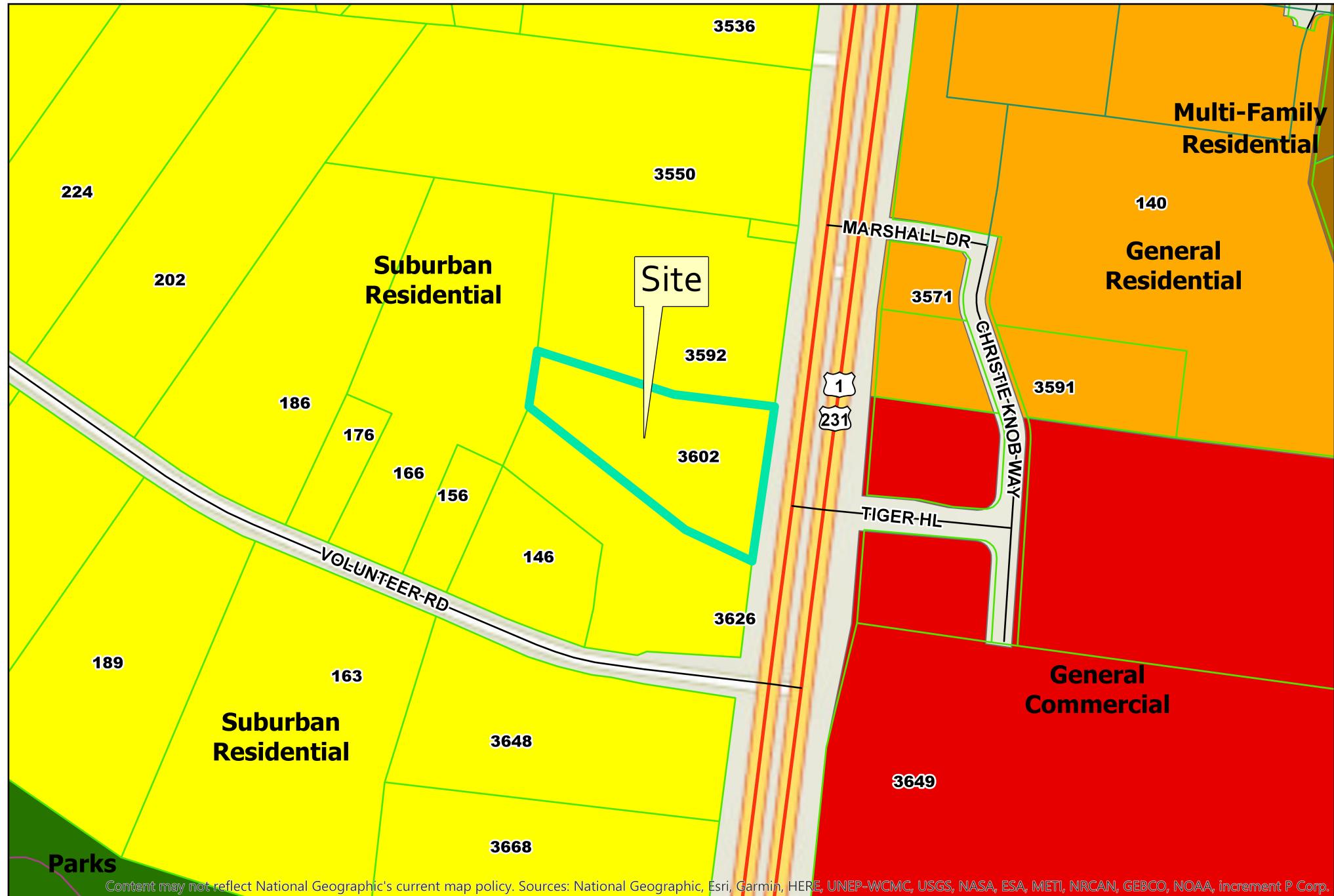
TIGER-HL

CHRISTIE-KNOB-NW

Rezoning Request for Property Along Shelbyville Pike CH Simultaneous with Annexation

0 200 400 800 Feet





Rezoning Request Along Shelbyville Pike - Land Use Plan

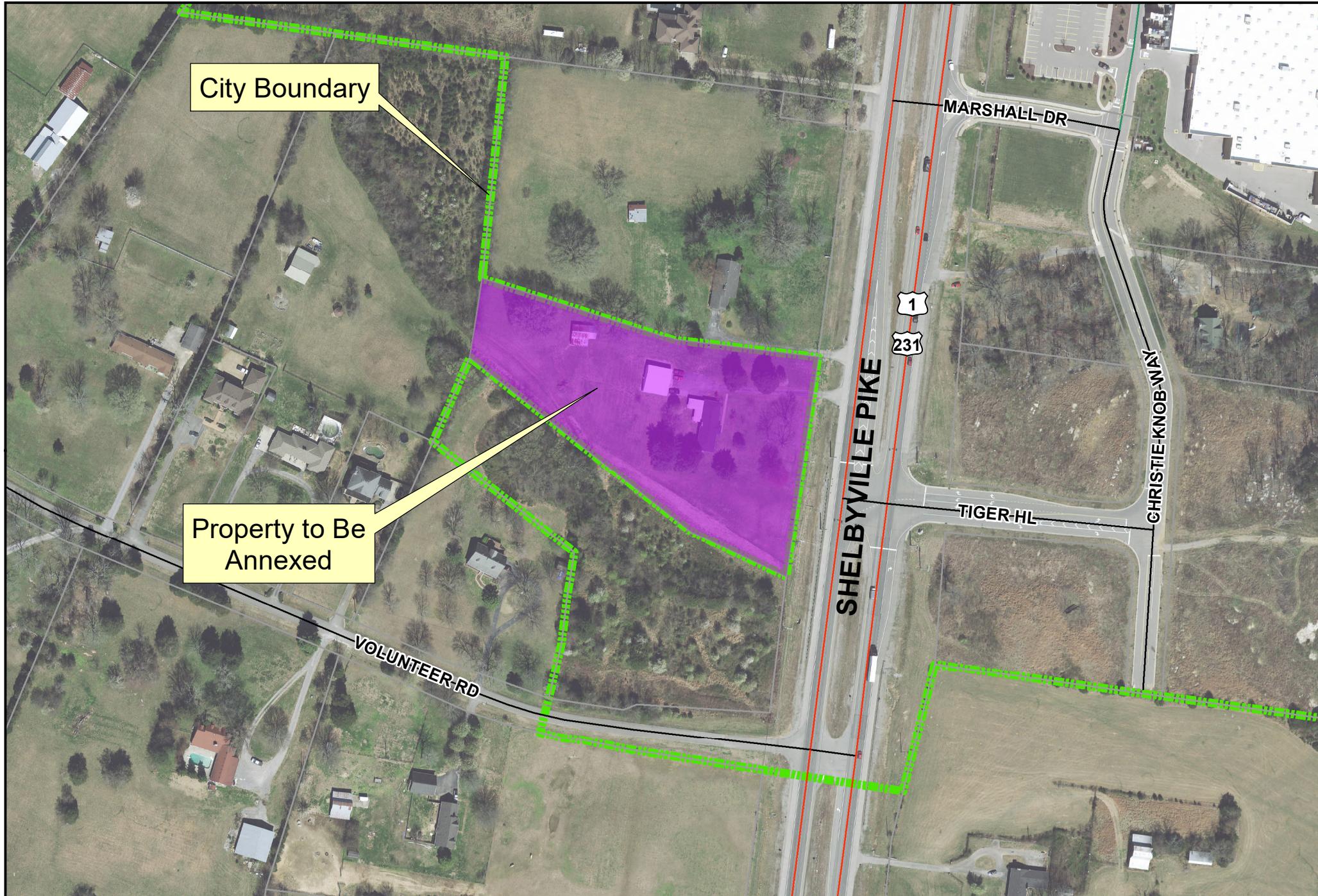
0 250 500 1,000 Feet



C:\Users\danthony\Desktop\ArcGISProProject.aprx



Planning Department
City of Murfreesboro
111 West Vine Street
Murfreesboro, Tennessee 37130
www.murfreesborotn.gov



Annexation Request for Property Along Shelbyville Pike

0 200 400 800 Feet



G:\annex\Shelbyville_Pike_Annex_with_Aerial.mxd



Planning Department
City of Murfreesboro
111 West Vine Street
Murfreesboro, Tennessee 37130
www.murfreesboro.tn.gov



Creating a better quality of life

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

Received
Planning Department
MAR 14 2019
111 West Vine Street
Murfreesboro, TN 37130

Zoning & Rezoning Applications – other than rezoning to planned unit development	\$700.00
Zoning & Rezoning Applications – Planned Unit Development, initial or amended	\$950.00

Procedure for applicant:

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

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

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

To be completed by applicant:

APPLICANT: FIVE STAR JOINT VENTURE

Address: 208 NORTH THOMPSON LN City/State/Zip: MURFREESBORO

Phone: 615 - 275 - 9287 E-mail address: _____

PROPERTY OWNER: Douglas Dales Five Star Joint Venture

Street Address or property description: 3602 Shelbyville Pike

and/or Tax map #: 136 Group: _____ Parcel (s): 4.01

Existing zoning classification: RM

Proposed zoning classification: CH Acreage: 3.1

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

E-mail: mtaylor@sec-civil.com

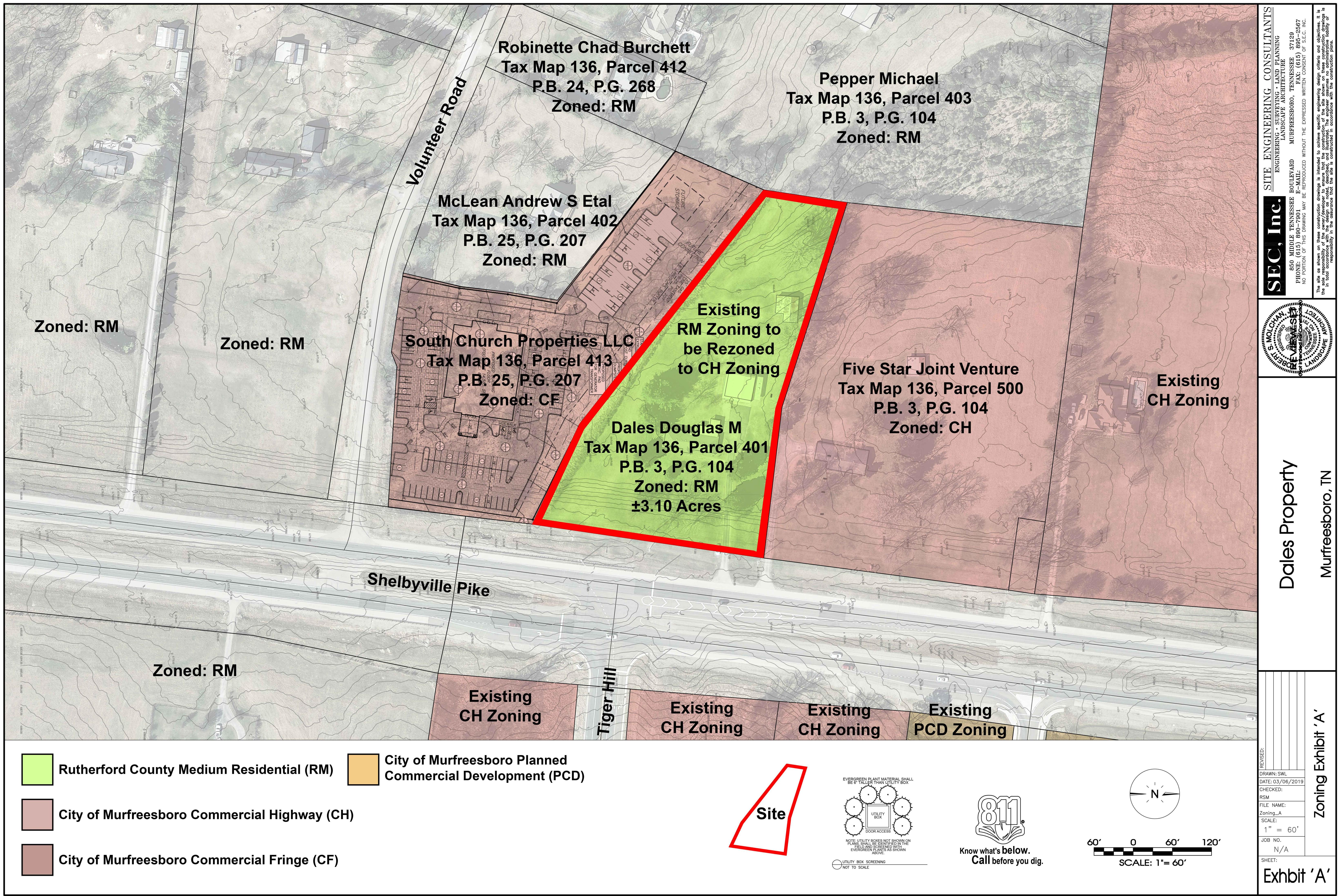
APPLICANT'S SIGNATURE (required): P. N. Party

DATE: 3-12-19

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

Date received: 3-14-19 **MPC YR.:** _____ **MPC #:** 2019-411 + 2019-504

Amount paid: \$700.00 **Receipt #:** 364200



**Minutes of the
Murfreesboro Planning Commission
May 1st, 2019
Council Chambers 6:00 P.M.**

Members Present

Kathy Jones, Chair
Ken Halliburton, Vice Chair
Warren Russell
Ronnie Martin
Jennifer Garland
Chase Salas

Staff Present

Donald Anthony, Planning Director
Matthew Blomeley, Assist. Planning Director
Margaret Ann Green, Principal Planner
Sam Huddleston, Executive Director of Dev. Services
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Chair Kathy Jones opened the public hearing.

The following residents spoke during the public hearing:

- Andy McClean (146 Volunteer Road) asked the Planning Commission if the owner had received the required 51 percent of signatures by the Town and Country Estates

May 1st, 2019

residents, as it is required by their restrictive covenants for the rezoning to commercial.

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Mr. Ken Halliburton made a motion to defer, seconded by **Mr. Chase Salas**. The motion carried by unanimous vote in favor.

Zoning application [2019-411] for approximately 3.1 acres located along Shelbyville Pike to be zoned CH simultaneous with annexation, Five Star Joint Venture applicant. Ms. Amelia Kerr summarized the staff report, which was made available in the agenda packet provided to the Planning Commission. Mr. Matt Taylor noted that the Future Land Use map was approved before the surrounding area started growing as commercial, in particular, the Murfreesboro Medical Clinic developing adjacent to the subject property.

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

Mr. Ronnie Martin made a motion to defer, seconded by **Ms. Jennifer Garland**. The motion carried by unanimous vote in favor.

Proposed amendments to the Zoning Ordinance regarding Sections 14 and 22 and Charts 1 and 2 [2019-803]; pertaining to industrial uses, City of Murfreesboro Planning Department applicant. Mr. Donald Anthony summarized the staff report, which was made available to the Planning Commission. Mr. Anthony explained that this proposal is for a new zoning district, General Industrial. Mr. Anthony noted that General Industrial will serve as step between Light Industrial and Heavy Industrial. Mr. Anthony added that this zoning district will be similar to Heavy Industrial but would remove the adult-oriented uses, as well as heavier, more intense industrial uses.

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Mr. Ken Halliburton made a motion to approve, seconded by **Mr. Chase Salas**. The motion carried by unanimous vote in favor.

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MINUTES OF THE MURFREESBORO PLANNING COMMISSION

JUNE 5, 2019

MEMBERS PRESENT

Kathy Jones, Chair
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Eddie Smotherman
Warren Russell
Ronnie Martin
Jennifer Garland
Chase Salas

STAFF PRESENT

Donald Anthony, Planning Director
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Chair Kathy Jones called the meeting to order after determining there was a quorum. The minutes of the April 3, 2019, May 1, 2019 and May 15, 2019, Planning Commission meetings were approved as submitted.

Mr. David Ives began by making known the City Administration has requested for the Planning Commission to consider a Mandatory Referral regarding a Memorandum of Understanding (MOU). He explained, a proposal had been made by Rutherford County to lease City owned property at the intersection of Fortress Boulevard and Blaze Drive. The land being considered would be a 50-year lease with Rutherford County. The property consists of 17.6 acres on which Rutherford County proposes to construct a County Clerk Annex, and sublease space to the State of Tennessee, for a second Driver's License office. If approved, the lease would require the County's platting and building process, subject to all City Planning Department, Planning Commission and Codes provisions and approvals.

Mayor Bill Ketron was in attendance to represent the applicant.

Mr. Ken Halliburton made a motion to approve the Mandatory Referral subject to all staff comments, seconded by Mr. Warren Russell. The motion carried by unanimous vote in favor.

Old Business

Annexation plan of services and annexation petition [2019-504] for approximately 3.1 acres located along Shelbyville Pike, Douglas Dales applicant. Ms. Amelia Kerr summarized the staff report, which

MINUTES OF THE MURFREESBORO PLANNING COMMISSION

JUNE 5, 2019

had been made available to the Planning Commission in their agenda packet. Ms. Kerr made known the annexation petition had been deferred during the May 1, 2019, Public Hearing due to concerns from the Murfreesboro Fire Department. Since then, the Fire Department has provided a letter stating they could provide fire protection to this property at the time of annexation. In addition, Ms. Kerr provided a corrected copy of the Taxes and Revenue sheet that would be included in the Plans of Services prior to this item being presented to City Council.

Mr. Ronnie Martin made a motion to approve the annexation plan of services and annexation petition, seconded by Mr. Chase Salas. The motion carried by unanimous vote in favor.

Zoning application [2019-411] for approximately 3.1 acres located along Shelbyville Pike to be zoned CH simultaneous with annexation, Five Star Joint Venture applicant. Ms. Amelia Kerr summarized the staff report, which had been made available to the Planning Commission in their agenda packet. Ms. Kerr made known this item had been deferred during the May 1, 2019, Public Hearing due to concerns from the Murfreesboro Fire Department. Since then, the Fire Department has provided a letter stating they could provide fire protection to this property at the time of annexation.

Mr. Chase Salas made a motion to approve the zoning request subject to all staff comments, seconded by Mr. Ken Halliburton. The motion carried by unanimous vote in favor.

Public Hearings

Zoning application [2019-413] for approximately 20.06 acres located east of New Salem Highway and south of Middle Tennessee Boulevard to be rezoned from H-I to L-I, Newton & James Molloy Families applicant. Ms. Amelia Kerr summarized the staff report, which had been made available to the Planning Commission in their agenda packet. Ms. Kerr made known this request would be considered as down zoning. The applicant has provided a list of speculative uses for the LI zone request. In addition, this request would be consistent with proposed changes being made to the 2035 Comprehensive Plan future land use map that Staff would be presenting in the coming months.

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

RESOLUTION 19-R-PS-20 to adopt a Plan of Services for approximately 3.1 acres along Shelbyville Pike, Douglas Dales, applicant. [2019-504]

WHEREAS, the Owner(s) of the territory identified on the attached map as the "Area to be Annexed" have either petitioned for annexation or given written consent to the annexation of such territory; and

WHEREAS, a proposed Plan of Services for such territory was prepared and published as required by T.C.A. §6-51-102 and T.C.A. §6-51-104; and

WHEREAS, the proposed Plan of Services was submitted to the Murfreesboro Planning Commission on May 1, 2019, at which time the Planning Commission held a public hearing, and deferred action until June 5, 2019 when they recommended approval of the Plan of Services to the City Council;

WHEREAS, a Public Hearing on the proposed Plan of Services was held before the City Council of the City of Murfreesboro, Tennessee, on July 25, 2019, pursuant to a Resolution passed and adopted by the City Council on June 13, 2019, and notice thereof published in The Murfreesboro Post, a newspaper of general circulation in said City, on July 9, 2019; and,

WHEREAS, the Plan of Services for the territory identified on the attached map as the "Area to be Annexed" establishes the scope of services to be provided and the timing of such services and satisfies the requirements of T.C.A. §6-51-102.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. That, pursuant to authority conferred by T.C.A. Sections 6-51-101, et seq., the Plan of Services attached hereto for the territory identified on the attached map as the "Area to be Annexed" is hereby adopted as it is reasonable with respect to the scope of services to be provided and the timing of such services.

SECTION 2. That this Resolution shall take effect upon the effective date of the Annexation Resolution with respect to the territory, **Resolution 19-R-A-20**, the public welfare and the welfare of the City requiring it.

Passed: _____

Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

Melissa B. Wright
City Recorder

Adam F. Tucker
City Attorney

SEAL

Resolution 19-R-PS-20

City Boundary

Area to be
Annexed

VOLUNTEER RD

SHELBYVILLE PIKE

1

MARSHAL DR

TIGER HL

CHRISTIE-KNOB NAV

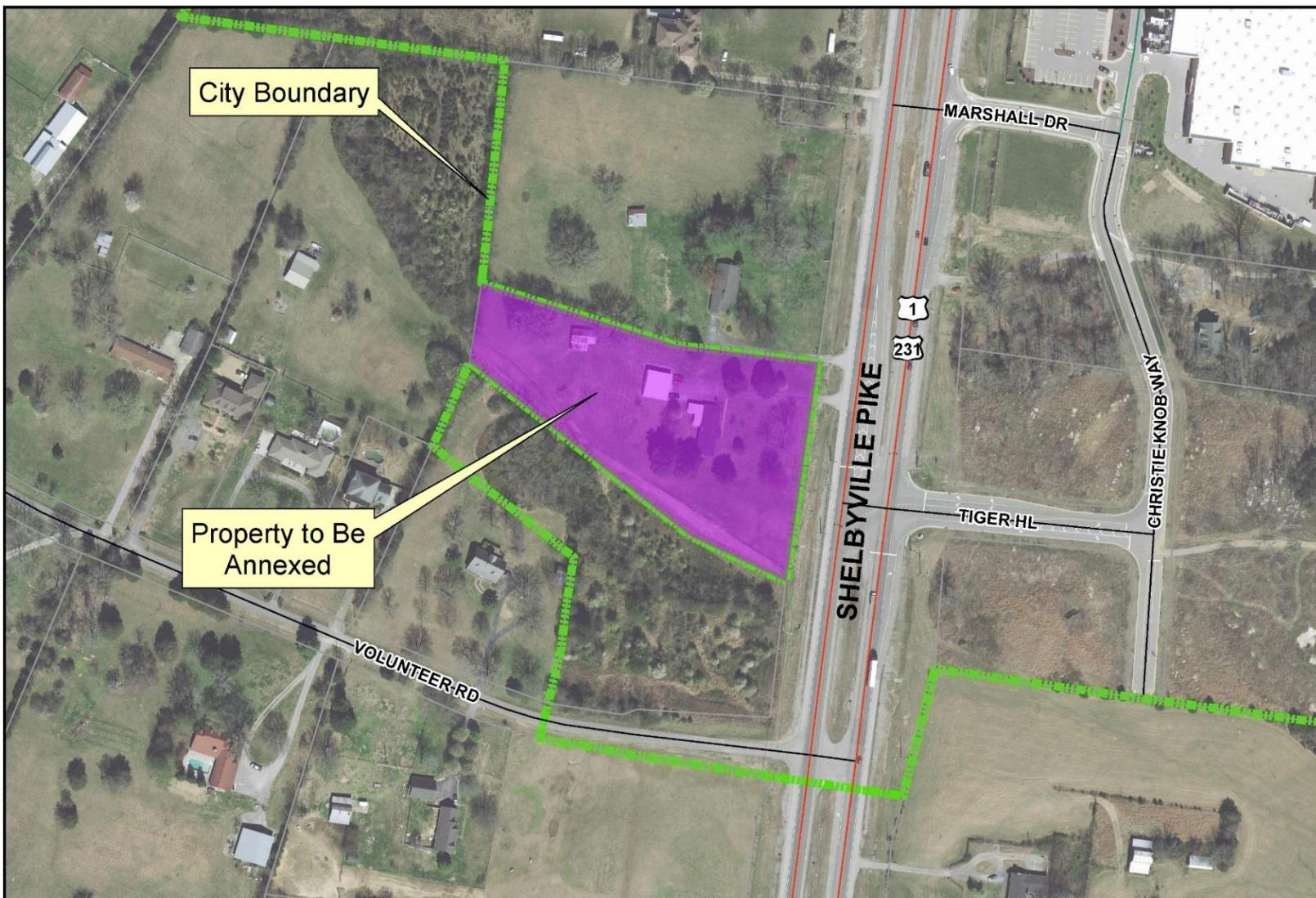
231



ANNEXATION REPORT FOR PROPERTY LOCATED ALONG SHELBYVILLE PIKE INCLUDING PLAN OF SERVICES



**PREPARED FOR THE
MURFREESBORO PLANNING COMMISSION
June 5, 2019**



Annexation Request for Property Along Shelbyville Pike

0 200 400 800 Feet



G:\annex\Shelbyville_Pike_Annex_with_Aerial.mxd



Planning Department
City Of Murfreesboro
111 West Vine Street
Murfreesboro, Tennessee 37130
www.murfreesborotn.gov

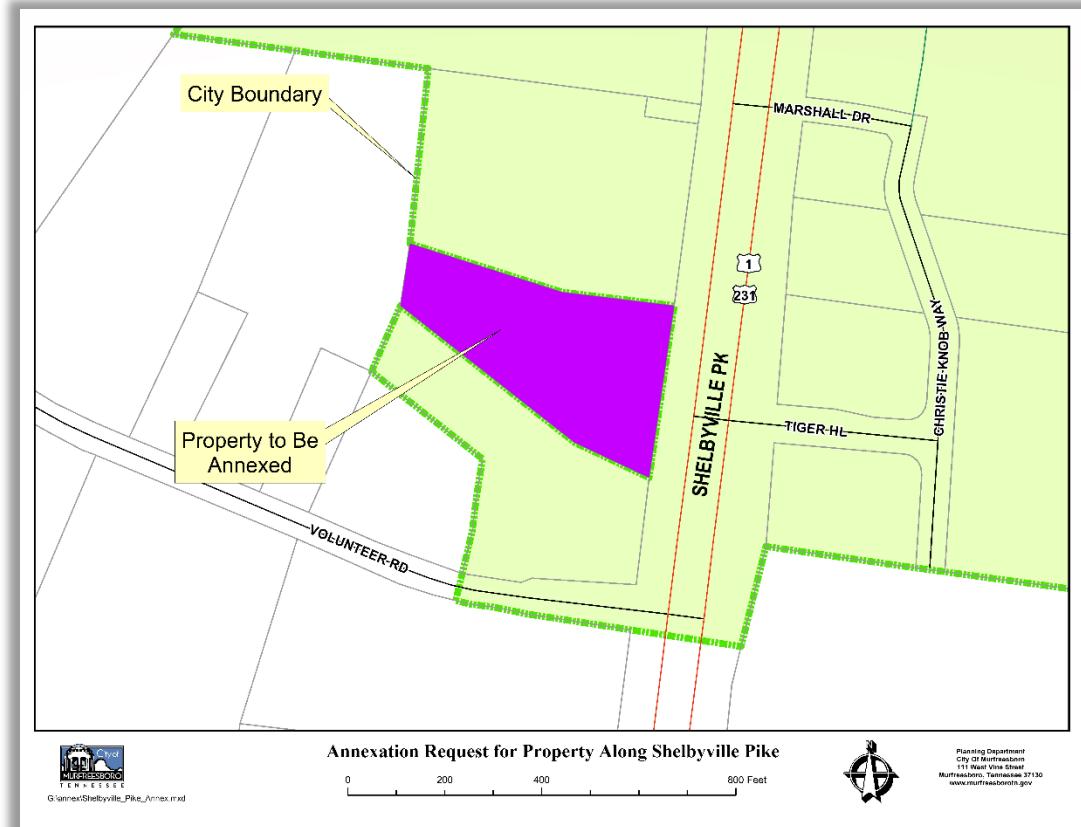
INTRODUCTION

OVERVIEW

The applicant, Douglas Dales, has requested annexation of the property located at 3602 Shelbyville Pike, along the western side of Shelbyville Pike. The area studied in this Plan of Services is approximately 3 acres:

- Tax Map 136, Parcel 00401

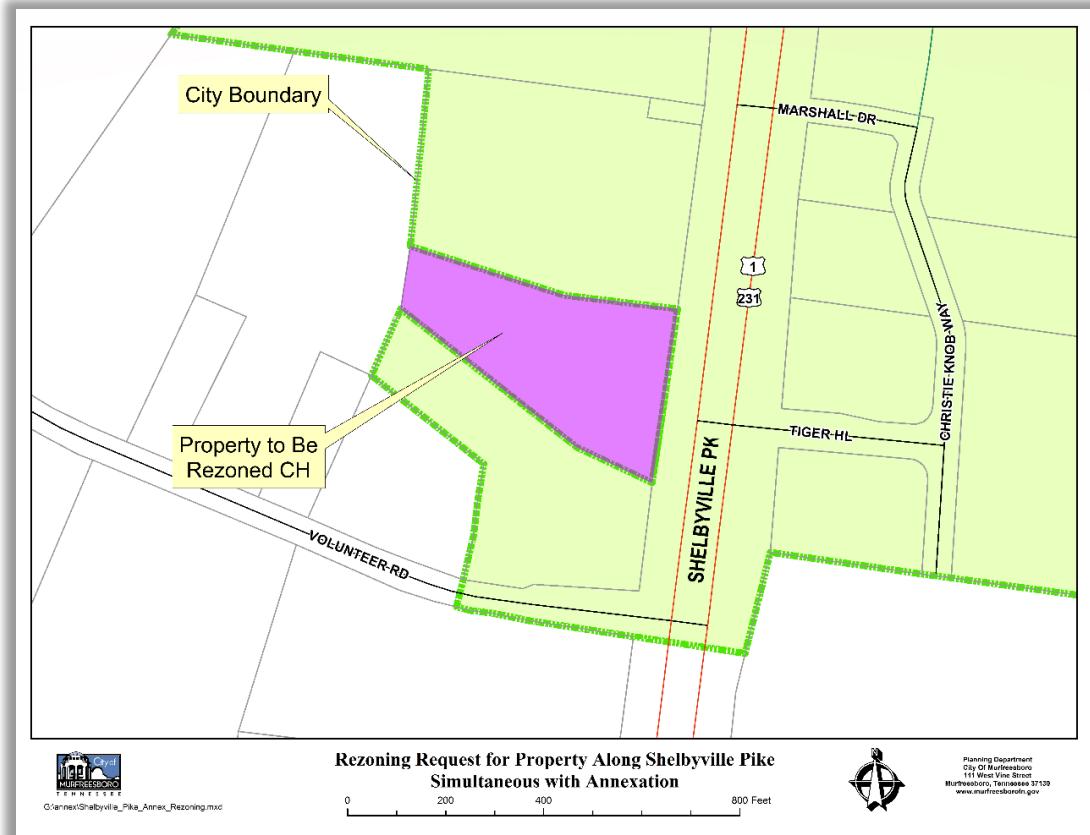
The study area lies within the City of Murfreesboro's Urban Growth Boundary. The parcels to the north and south of the subject property are within the City, and the adjacent area to the west lies within the unincorporated County.



CITY ZONING

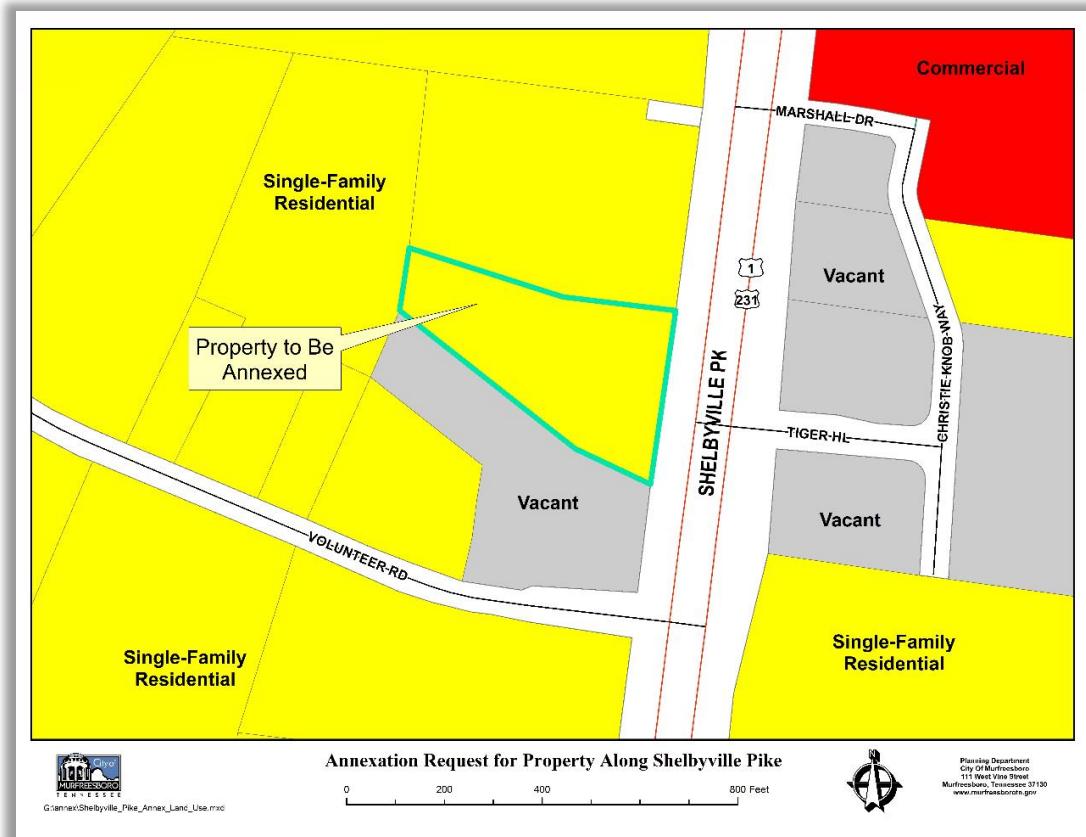
The applicant has requested rezoning to CH (Commercial Highway District) for the study area simultaneous with annexation. The study area is presently zoned RM (Residential – Medium Density) in the unincorporated County.

Adjacent property to the west of the study area lies within the unincorporated County and is zoned RM. Properties located north and south of the study area are within the City and are zoned CH and CF, respectively.



PRESENT AND SURROUNDING LAND USE

The study area is developed with a single-family residence and several accessory structures. The property to the north is developed with a single-family home, and the property to the south is being developed with a medical clinic. Adjacent properties to the west are large single-family tracts of land and single-family residential lots. Directly across Shelbyville Pike to the east are several vacant CH-zoned lots.



TAXES AND REVENUE

The first City tax bill for all property annexed during the calendar year of 2019 will be due on December 31, 2020. City taxes are calculated upon the property appraisal and assessment of the Rutherford County Property Assessor's Office. The current tax rate for the City of Murfreesboro is \$1.2894/\$100.00 assessed value. Residential property is assessed at a rate of 25% of its appraised value, and commercial property is assessed at a rate of 40% of its appraised value. Table I below shows total assessment and estimated City taxes that would be collected if the property were to be annexed in its present state.

Table I
Estimated Taxes from Site

Owner of Record	Acres	Land Value	Improvements Value	Total Assessment	Estimated City Taxes
Douglas Dales	3.1	\$57,400	\$176,100	\$58,375	\$752.69

These figures are for the property in its current state. The study area is proposed to be zoned and developed commercially.

PLAN OF SERVICES

POLICE PROTECTION

At present, the study area receives police service through the Rutherford County Sheriff's Department. If annexed, the Murfreesboro Police Department can provide police services to the property as it currently exists immediately upon the effective date of annexation. This annexation will have no negative impact on the Murfreesboro Police Department. No additional costs to the department are expected as a result of this annexation based on the current state of the property as a result of this annexation based on the current state of the property. This property is located in Police Zone #7.

ELECTRIC SERVICE

The property is located within Middle Tennessee Electric Membership Cooperative's (MTEMC) service boundary. MTEMC currently serves the residence on this property and has the capacity to continue to provide service for any future development that may occur on this property.

STREET LIGHTING

According to MTEMC, street lighting already exists along Shelbyville Pike to the north of the subject property and if requested by the City of Murfreesboro street lighting can be installed along Shelbyville Pike in front of the subject property as well.

STREETS AND ACCESS

Public Roadway System

The annexation study area does not include any public roadway systems. Access to a public roadway system is available through Shelbyville Pike. Shelbyville Pike is existing State Route 10/US 231. Roadway connections to Shelbyville Pike will require approval of TDOT following review by the City Engineer and must align with Tiger Hill. A public access easement must be provided from connection to Shelbyville Pike to the property to the south.

Any future public roadway facilities to serve the study area must be constructed to City standards.

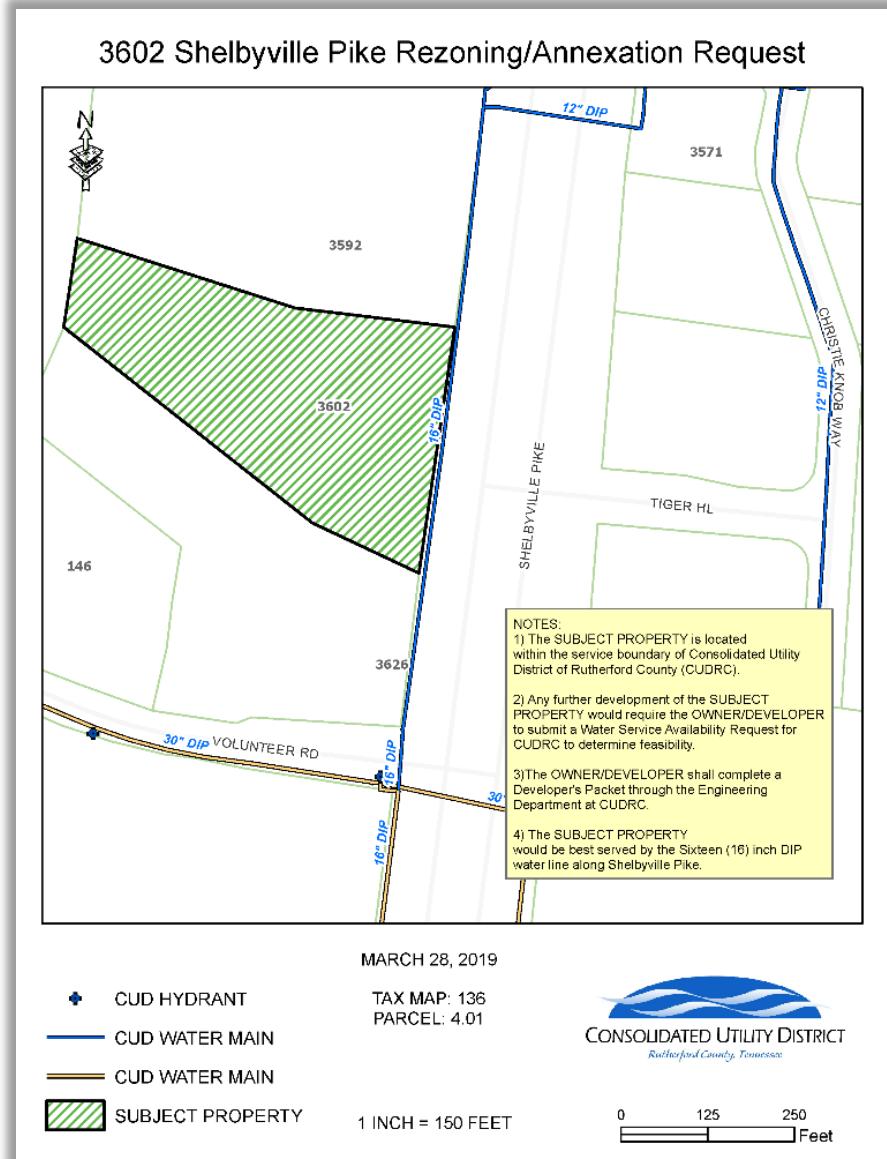
Regional Traffic and Transportation Conditions

The study area is served by Shelbyville Pike as the major roadway facility. The 2014 Level of Service Model in the proposed 2040 Major Transportation Plan shows Shelbyville Pike to be operating at a Level of Service C in the study area using average daily traffic (ADT) counts. The 2040 Level of Service Model indicates Shelbyville Pike will operate at a Level of Service D without the proposed improvements recommended in the 2040 Plan. The 2040 Level of Service Model indicates Shelbyville Pike will continue to operate at a Level of Service D with the proposed improvements recommended in the 2040 Plan.

WATER SERVICE

The study area lies within Consolidated Utility District's (CUD) service area. CUD presently maintains a sixteen (16)-inch water main along the eastern side of the study area along Shelbyville Pike to serve the property. CUD currently provides water service to the existing house and will continue to do so upon annexation if the house remains. The existing infrastructure is adequate to serve the existing structures. Any further development would require the developer of the property to submit a Water Service Availability Request to CUD to determine if water demands can be met at this location. Also, the developer will be required to complete CUD's Developer Packet prior to entering the construction phase.

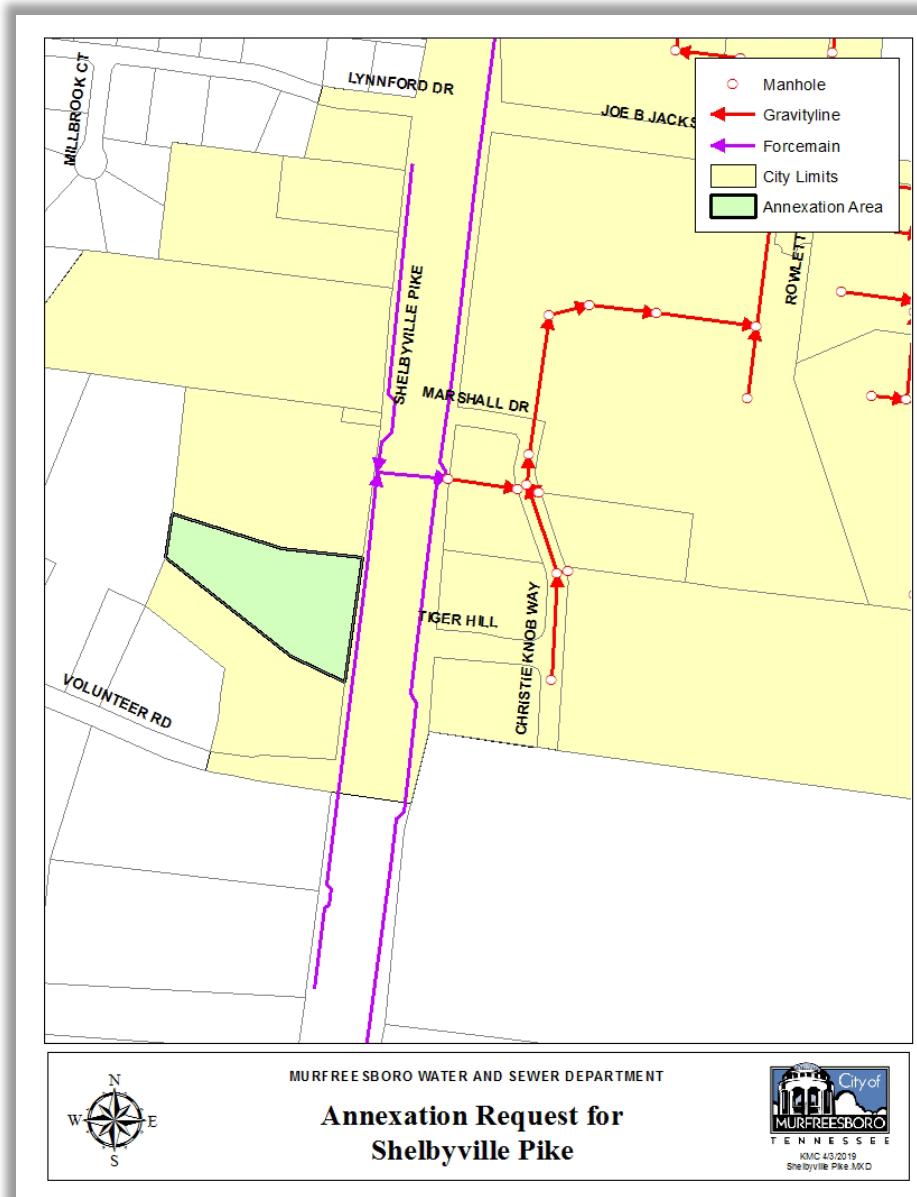
The existing water lines are shown on the adjacent map. Any new water line development must be done in accordance with CUD's development policies and procedures.



SANITARY SEWER SERVICE

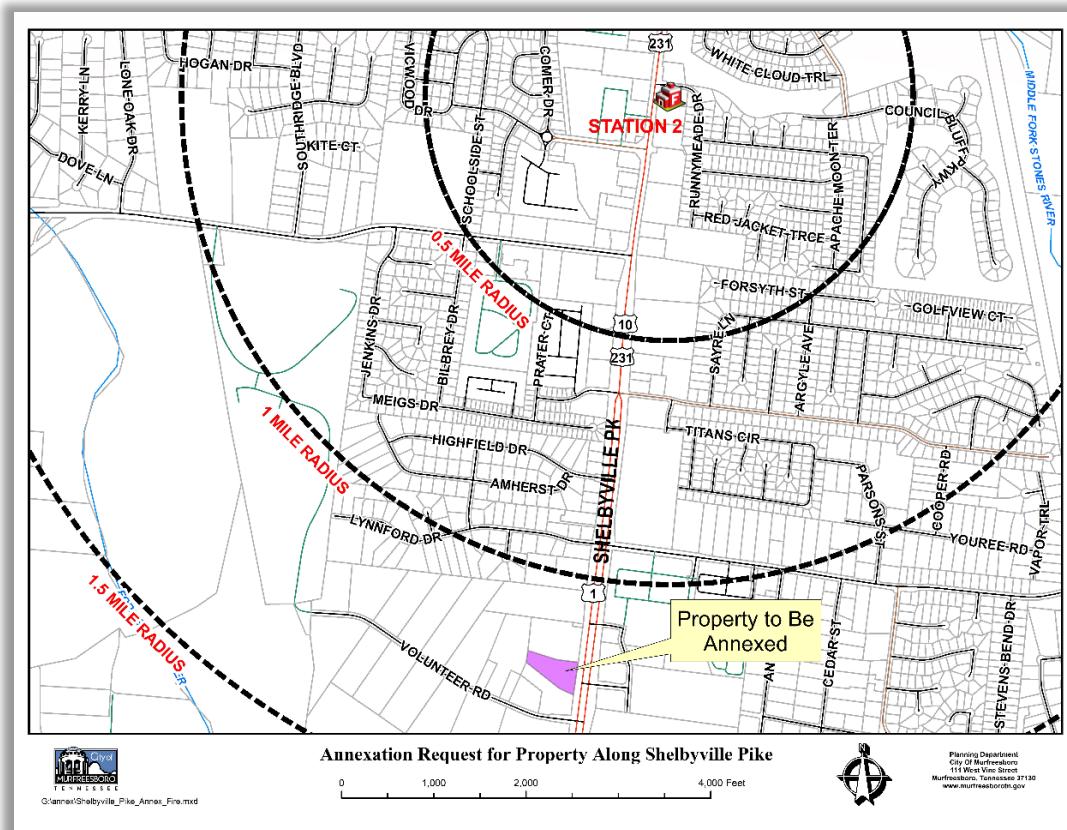
Sanitary sewer is currently available to serve the subject property, per the Murfreesboro Water Resources Department's (MWRD) definition of "available." There is an existing 2½-inch sewer force main along the western right-of-way of Shelbyville Pike. There is a 2½-inch service connection stubbed to the property line at the southeastern corner of the subject property. This property must use an E/one grinder pump system, so that it will be compatible with the other private grinder pumps along this section of force main. Each individual grinder pump will be a private pump maintained by each property owner and MWRD will maintain the common force main along the right-of-way of Shelbyville Pike.

This property is within the South Church Street Sanitary Sewer Assessment District and will be charged \$10,600 per acre in addition to the current and standard connection fees which is \$2,550 per single-family unit or equivalent.



FIRE AND EMERGENCY SERVICE

The closest fire station to the subject tract is Fire Station #2, located at 2880 Runnymede Drive, 1.2 miles from the study area. The dashed lines on the adjacent map represent linear distance ranges from the nearest fire stations. There is an existing single-family dwelling and two (2) accessory structures. The closest fire hydrant is approximately 1,100' to the south at Volunteer Road. Upon redevelopment additional fire protection may be required by the Murfreesboro Fire and Rescue Department (MFRD). After annexation MFRD will be able to provide emergency services to the requesting parcel then required fire protection can be installed at the time of development.



SOLID WASTE COLLECTION

The Solid Waste Department will provide household garbage collection service on Thursdays. The cost of the cart would be \$53.30. In addition, it will provide brush/debris removal every two-three weeks. Service can be provided immediately upon annexation.

BUILDING AND CODES

The property will come within the City's jurisdiction for code enforcement immediately upon the effective date of annexation. The City's Building and Codes Department will begin issuing building and construction permits and enforcing the codes and inspecting new construction for compliance with the City's construction codes immediately upon the effective date of annexation. The Building and Codes Department will also ensure that any new signs associated with the development of the property comply with the Sign Ordinance. No additional costs are expected.

RECREATION

Murfreesboro's Parks and Recreation facilities will be immediately available to residents of the study area. Currently Murfreesboro has two multi-purpose facilities, one community center, a wilderness facility, over 1,000 acres of parks, a network of greenways, and recreational sports. These facilities and programs are wholly funded by the Murfreesboro taxpayers. Children who are residents of the

City of Murfreesboro, attend Murfreesboro Elementary Schools, and receive free or reduced lunches also receive free or reduced recreational fees.

CITY SCHOOLS

The Murfreesboro City School system serves grades kindergarten through sixth and is offered to students who are within the jurisdiction of the City of Murfreesboro. The study area is currently located in the new Salem Elementary school zone scheduled to open August 2019. Murfreesboro City Schools is prepared to accommodate any elementary school students generated by this annexation.

GEOGRAPHIC INFORMATION SYSTEMS

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

PLANNING, ENGINEERING, AND ZONING SERVICES

The property will come within the City's jurisdiction for planning and engineering code enforcement immediately upon the effective date of annexation. As new development occurs, the Planning Commission will review all site plans, preliminary, and final plats. Among other duties, the Planning and Engineering Departments will inspect and monitor new construction of streets and drainage structures for compliance with the City's development regulations.

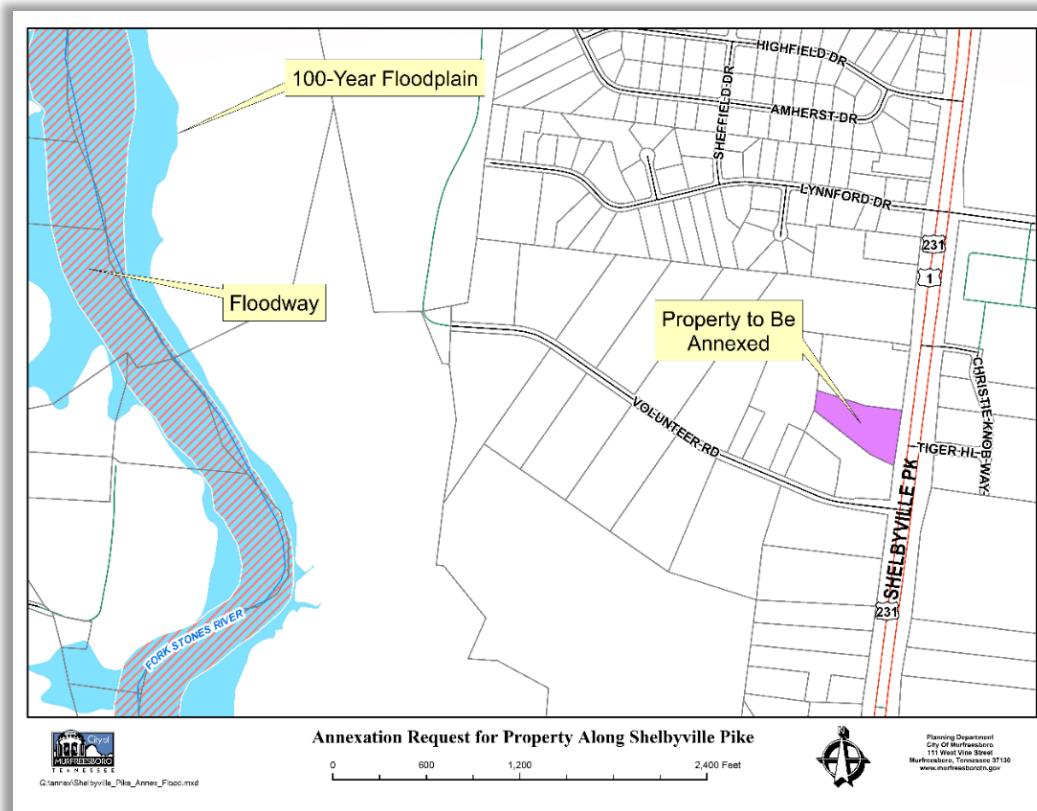
Property and Development

New development should comply with the City's Stormwater Quality Regulations by providing stormwater quality, streambank protection, and detention.

FLOODWAY

The study area is not located within a floodway or 100-year floodplain as delineated on the Flood Insurance Rate Maps (FIRM) developed by the Federal Emergency Management Agency (FEMA).

The map shows the floodway boundary in red stripes and the 100-year floodplain boundary in blue.



DRAINAGE

Public Drainage System

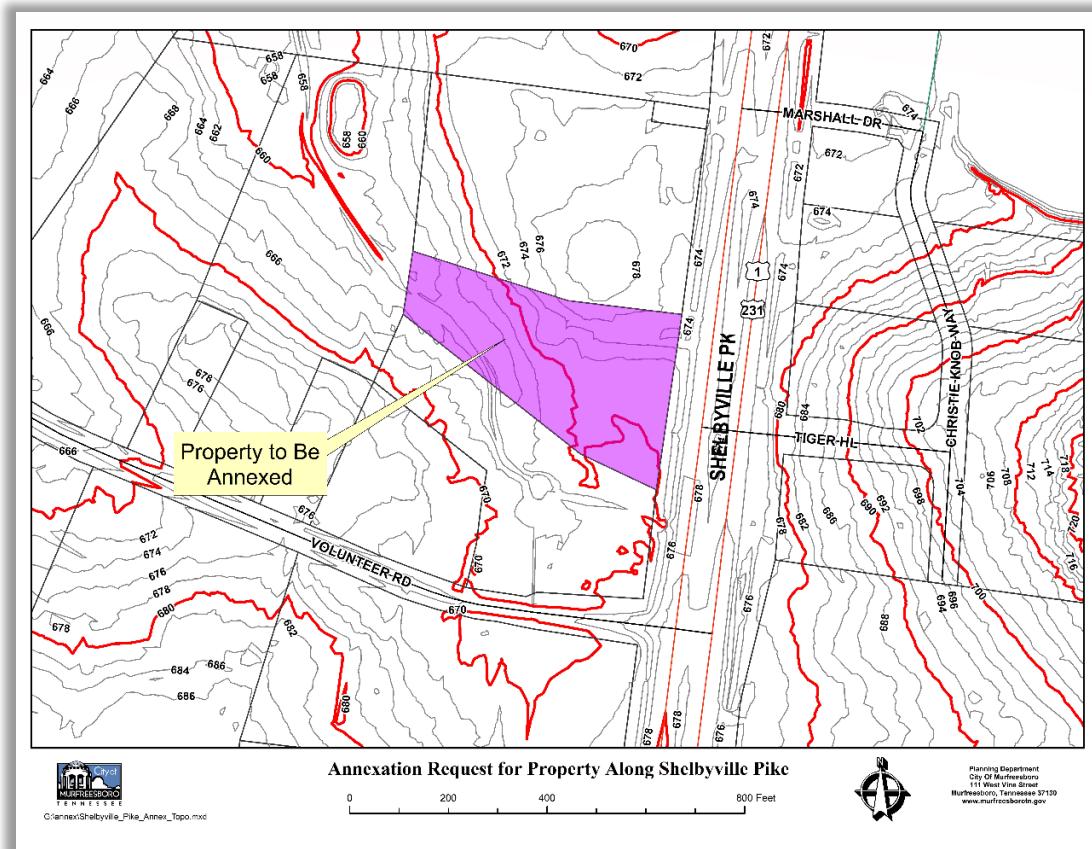
Public Drainage facilities available to the study area are located within the right-of-way (ROW) of Shelbyville Pike. The annualized operation and maintenance cost for the systems is included in the public roadway sections above as they are internal roadway drainage system. Future operation and maintenance costs are anticipated to be paid from the Stormwater Utility Fee and State Street Aid. A public drainage easement will need to be provided for the stormwater that enters the site from the south and leaves the site on the western property line. No other public drainage facilities are available to the study area. Any public drainage facilities proposed to serve the study area in the future must meet City standards.

Regional Drainage Conditions

A review of the regional drainage patterns indicates the study area drains to the ROW of Shelbyville Pike and to the west in a swale along the southern property line.

Stormwater Management and Utility Fees

Upon annexation, stormwater management services provided by the City of Murfreesboro will be available to the study area. The study area currently has one single-family residence and will generate approximately \$39 per year in revenue for the Stormwater Utility Fee. The applicant is requesting a Commercial Highway (CH) zoning classification with annexation. Based on this development scenario, it is anticipated that the site will generate approximately \$650 annually in revenue for the Stormwater Utility Fund upon full build-out.



ANNEXATION FOLLOW-UP

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

RESOLUTION 19-R-A-20 to annex approximately 3.1 acres along Shelbyville Pike, and to incorporate the same within the corporate boundaries of the City of Murfreesboro, Tennessee, Douglas Dales, applicants. [2019-504]

WHEREAS, the Owner(s) of the territory identified on the attached map as the "Area Annexed" have either petitioned for annexation or given written consent to the annexation of such territory; and

WHEREAS, a Plan of Services for such territory was adopted by **Resolution 19-R-PS-20** on July 25, 2019; and

WHEREAS, the Planning Commission held a public hearing on the proposed annexation of such territory on May 1, 2019, deferred action and then recommended approval of the annexation on June 5, 2019; and

WHEREAS, the annexation of such territory is deemed beneficial for the welfare of the City of Murfreesboro as a whole.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. That, pursuant to authority conferred by T.C.A. Sections 6-51-101, et seq., the territory identified on the attached map as the "Area Annexed" is hereby annexed to the City of Murfreesboro, Tennessee and incorporated within the corporate boundaries thereof.

SECTION 2. That this Resolution shall take effect upon the effective date of the Zoning Ordinance with respect to the annexed territory, **Ordinance 19-OZ-20**, the public welfare and the welfare of the City requiring it.

Passed: _____

Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

Melissa B. Wright
City Recorder

Adam F. Tucker
City Attorney

SEAL

Resolution 19-R-A-20

City Boundary

Area
Annexed

VOLUNTEER RD

SHELBYVILLE PIKE

1

MARSHAL DR

TIGER HL

CHRISTIE-KNOB NAV

231



ORDINANCE 19-OZ-20 amending the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as heretofore amended and as now in force and effect to zone approximately 3.1 acres along Shelbyville Pike as Commercial Highway (CH) District simultaneous with annexation; Five Star Joint Venture, applicant. [2019-411]

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

SECTION 1. That the same having been heretofore recommended to the City Council by the City Planning Commission, the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as herein referred to, adopted and made a part of this Ordinance as heretofore amended and as now in force and effect, be and the same are hereby amended so as to zone the territory indicated on the attached map.

SECTION 2. That from and after the effective date hereof the area depicted on the attached map be zoned and approved as Commercial Highway (CH) District, as indicated thereon, and shall be subject to all the terms and provisions of said Ordinance applicable to such districts. The City Planning Commission is hereby authorized and directed to make such changes in and additions to said Zoning Map as may be necessary to show thereon that said area of the City is zoned as indicated on the attached map. This zoning change shall not affect the applicability of any overlay zone to the area.

SECTION 3. That this Ordinance shall take effect fifteen (15) days after its passage upon second and final reading, the public welfare and the welfare of the City requiring it.

Passed:

Shane McFarland, Mayor

1st reading _____

2nd reading _____

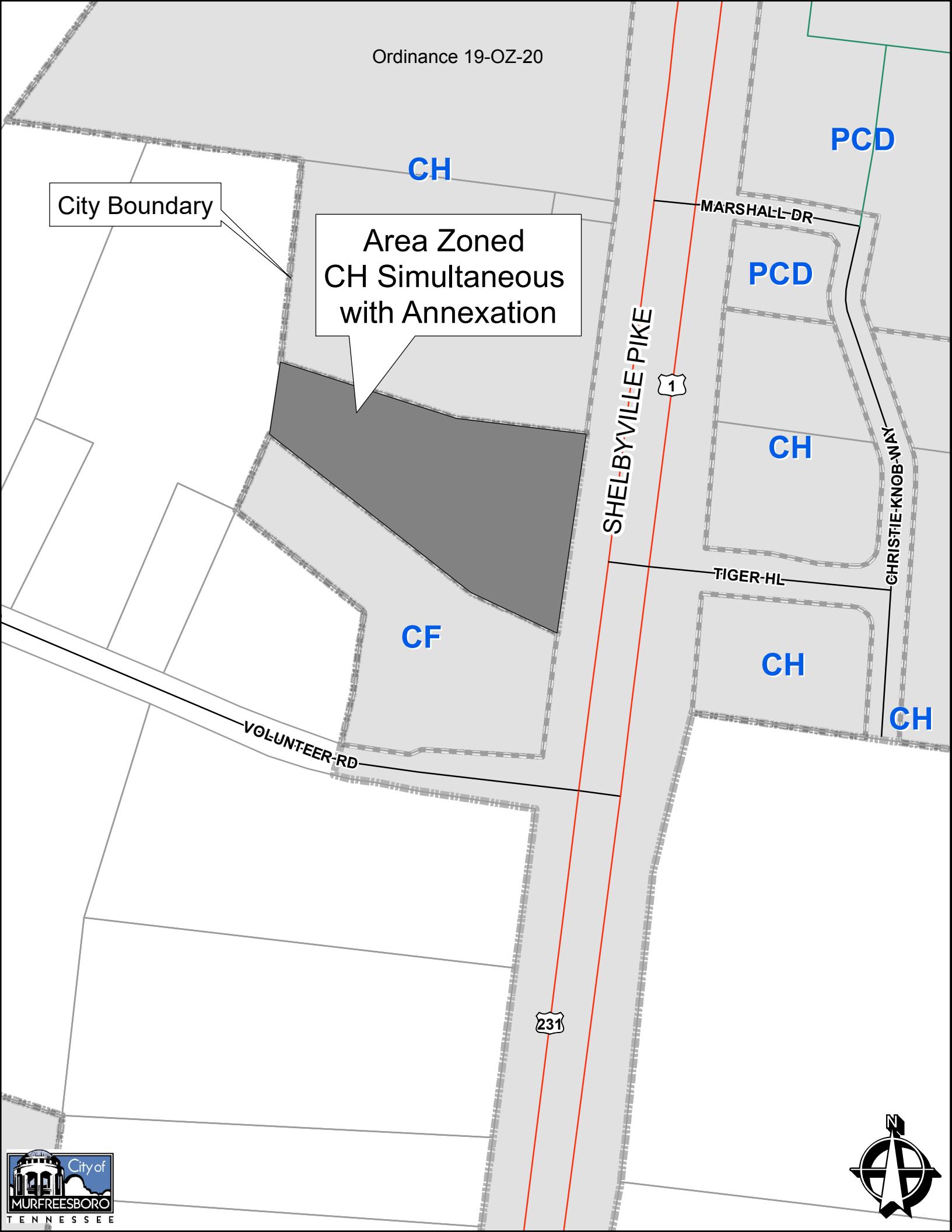
ATTEST:

APPROVED AS TO FORM:

Melissa B. Wright
City Recorder

Adam F. Tucker
City Attorney

SEAL



COUNCIL COMMUNICATION

Meeting Date: 7/25/19

Item Title: Rezoning approximately 20.06 acres located along New Salem Highway and Middle Tennessee Boulevard
[Public Hearing Required]

Department: Planning

Presented by: Matthew Blomeley, AICP, Assistant Planning Director

Requested Council Action:

Ordinance	<input checked="" type="checkbox"/>
Resolution	<input type="checkbox"/>
Motion	<input type="checkbox"/>
Direction	<input type="checkbox"/>
Information	<input type="checkbox"/>

Summary

Rezone approximately 20.06 acres located along New Salem Highway and Middle Tennessee Boulevard.

Staff Recommendation

Conduct a public hearing, pass and adopt the ordinance establishing the requested zoning.

The Planning Commission unanimously recommended approval of the rezoning by a vote of 7-0.

Background Information

The Newton and James Molloy families presented a zoning application [2019-413] for approximately 20.06 acres to be rezoned from H-I (Heavy Industrial District) to L-I (Light Industrial District). During its regular meeting on June 5, 2019, the Planning Commission conducted a public hearing on this matter and then voted to recommend its approval.

Council Priorities Served

Engaging Our Community

Public hearings are the official source of public input from stakeholders for zoning applications.

Attachments:

1. Ordinance 19-OZ-21
2. Map of the area
3. Planning Commission staff comments from 6/5/19 meeting
4. Planning Commission minutes from 6/5/19 meeting
5. Rezoning application
6. Other miscellaneous exhibits

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
JUNE 5, 2019**

PROJECT PLANNER: AMELIA KERR

5.a. Zoning application [2019-413] for approximately 20.06 acres located east of New Salem Highway and south of Middle Tennessee Boulevard to be rezoned from H-I to L-I, Newton & James Molloy Families applicant.

The subject property is located east of New Salem Highway, south of Middle Tennessee Boulevard and west of Old Salem Road. The property is mostly undeveloped but does contain two (2) residences and multiple accessory structures. The requested parcel totals approximately 20.06 acres. This property is currently zoned Heavy Industrial (H-I), and the owner has requested a rezoning to Light Industrial (L-I).

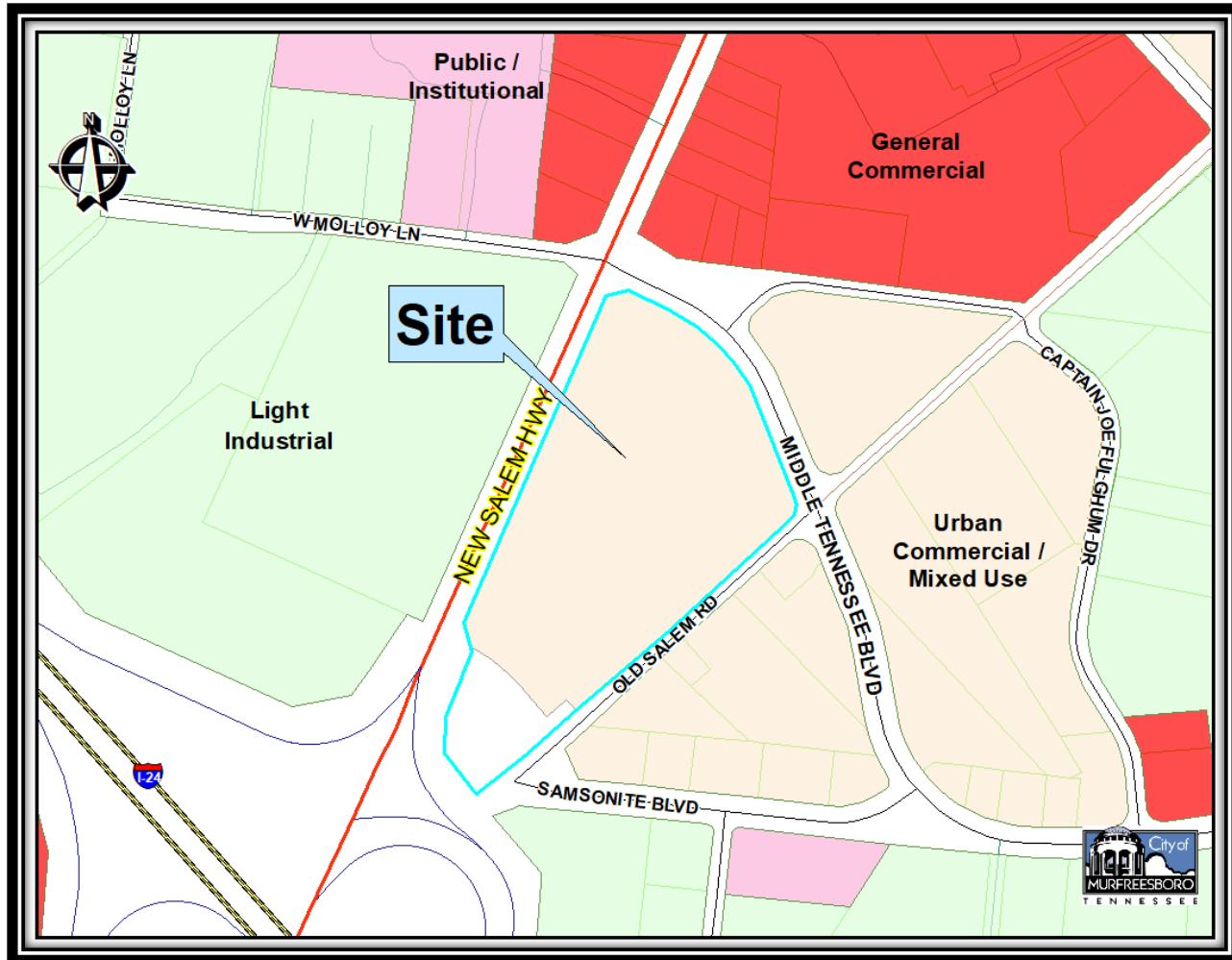
The principal uses permitted in the L-I zone include but are not limited to warehousing, wholesaling, and light manufacturing, which have little impact on the surrounding area other than truck traffic and which are accessible to major transportation routes. The rezoning is speculative, but possible allowable uses considered by the applicant are a car dealership, fast food restaurant, hotel, convenience store, and offices.

Adjacent Zoning and Land Uses

The adjacent properties to the north, south, east and west of the property are zoned H-I. Surrounding properties are developed with a variety of commercial and industrial uses, along with several scattered single-family dwellings. Properties located to the west across New Salem Highway from the property include Heritage Farm Dairy and a vacant parcel of land bordering Interstate 24 and New Salem Highway. Further south of the subject property is the New Salem Highway interchange for Interstate 24.

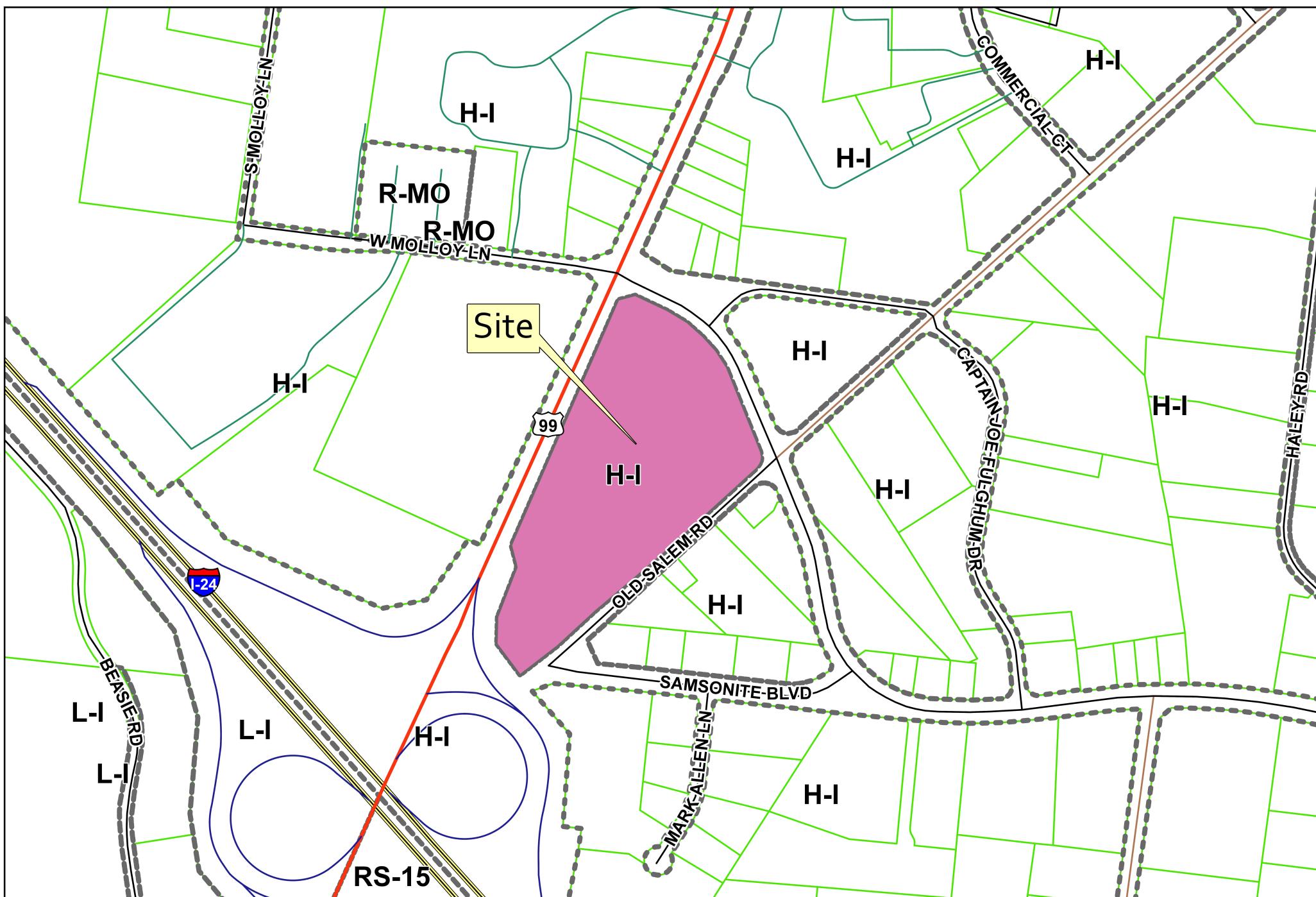
Future Land Use Map

The future land use map of the *Murfreesboro 2035 Comprehensive Plan* which was adopted in July 2017, recommends that "Urban Commercial/Mixed Use" is the most appropriate land use character for the subject property, as shown on the map on the following page.



The characteristics of Urban Commercial/Mixed Use include “intensive, urban character with a multiplicity of uses, including multi-family residential, entertainment, restaurants, department stores and other retail, general and professional offices, hotels.” Compatible existing zoning districts are CBD, MU and PUD. The commercial uses permitted in the L-I zone are consistent with the Urban Commercial/Mixed Use land use character. However, the L-I zone is not consistent in that it does not allow multi-family residential uses and that it does not promote the urban, pedestrian-scale type of development recommended as a part of the Urban Commercial/Mixed Use land use character. Because the existing H-I zone permits a wider array of industrial uses, it would appear to be less in keeping with the recommendations of the plan than the proposed L-I zone.

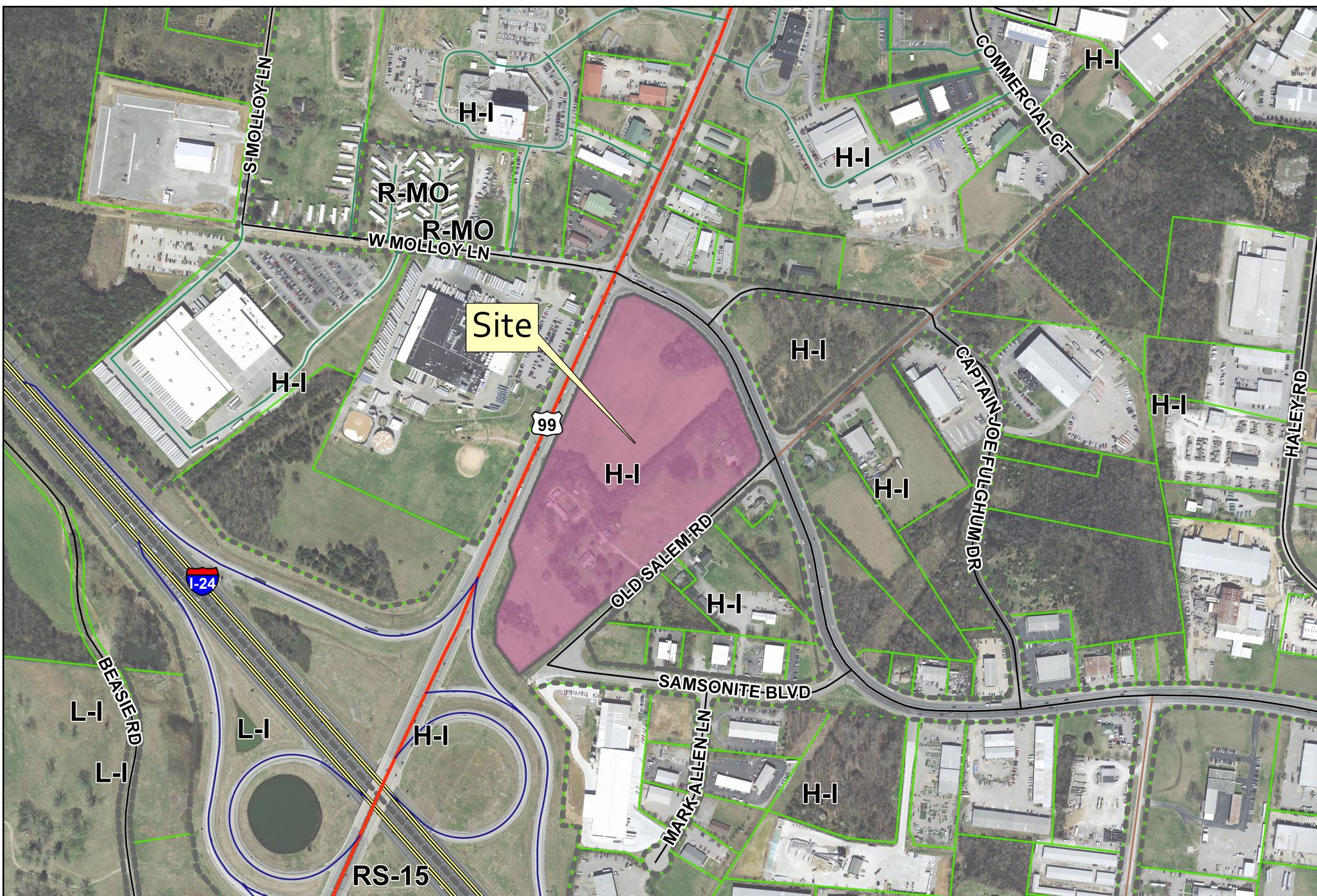
The Planning Commission will need to conduct a public hearing, after which it will need to discuss this matter and formulate a recommendation for the City Council.



Rezoning Request Along New Salem Highway, Old Salem Road,
and Middle Tennessee Boulevard (H-I to L-I)

0 500 1,000 2,000 Feet





Rezoning Request Along New Salem Highway, Old Salem Road, and Middle Tennessee Boulevard (H-I to L-I)

0 500 1,000 2,000 Feet





Creating a better quality of life

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

Zoning & Rezoning Applications – other than rezoning to planned unit development	\$700.00
Zoning & Rezoning Applications – Planned Unit Development, initial or amended	\$950.00

Procedure for applicant:

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

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

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

To be completed by applicant:

APPLICANT: Newton & James Molloy Families

Address: 2226 Northwoods Drive **City/State/Zip:** Murfreesboro, TN 37130

Phone: (615) 429-3340 **E-mail address:** MOOSE783@Comcast.net

PROPERTY OWNER: Newton, Charlotte, Megan, James, Danyla, & Suzannah Molloy

Street Address or property description: 1084 OLD SALEM RD.

and/or Tax map #: 102 **Group:** _____ **Parcel (s):** 00701

Existing zoning classification: 4r

Proposed zoning classification: L1 **Acreage:** 20.06±

Contact name & phone number for publication and notifications to the public (if different from the applicant): _____

E-mail: _____

APPLICANT'S SIGNATURE (required): Newton F. Molloy, III

DATE: April 5, 2019

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

Date received: _____ **MPC YR.:** _____ **MPC #:** 2019-413

Amount paid: 700.00 **Receipt #:** 293616

4.4.2019

Mr. Donald Anthony
Planning Director
City of Murfreesboro
111 W. Vine Street
Murfreesboro, TN 37130

Re: Rezoning Request

Described as Tax Map 102 and parcels 00701 consisting of 20.06 +/- acres. .

Dear Mr. Anthony:

On behalf of our client, Mr. Newton Molloy, we hereby request to rezone a 20.06 +/- tract of land located at the intersection of New Salem Highway and Middle Tennessee Boulevard from the current HI zoning to the requested LI zoning. The property located at Tax Map 102 and parcels 00701, consisting of 20.06 +/- acres. We currently have no user but intend to master plan the property once the LI zoning is secured.

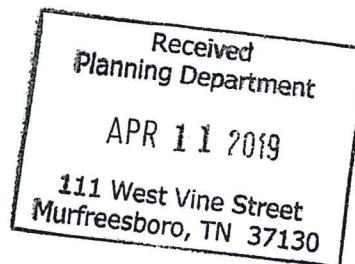
Please let me know if you need any additional information and thank you for your assistance with this request.

Sincerely,

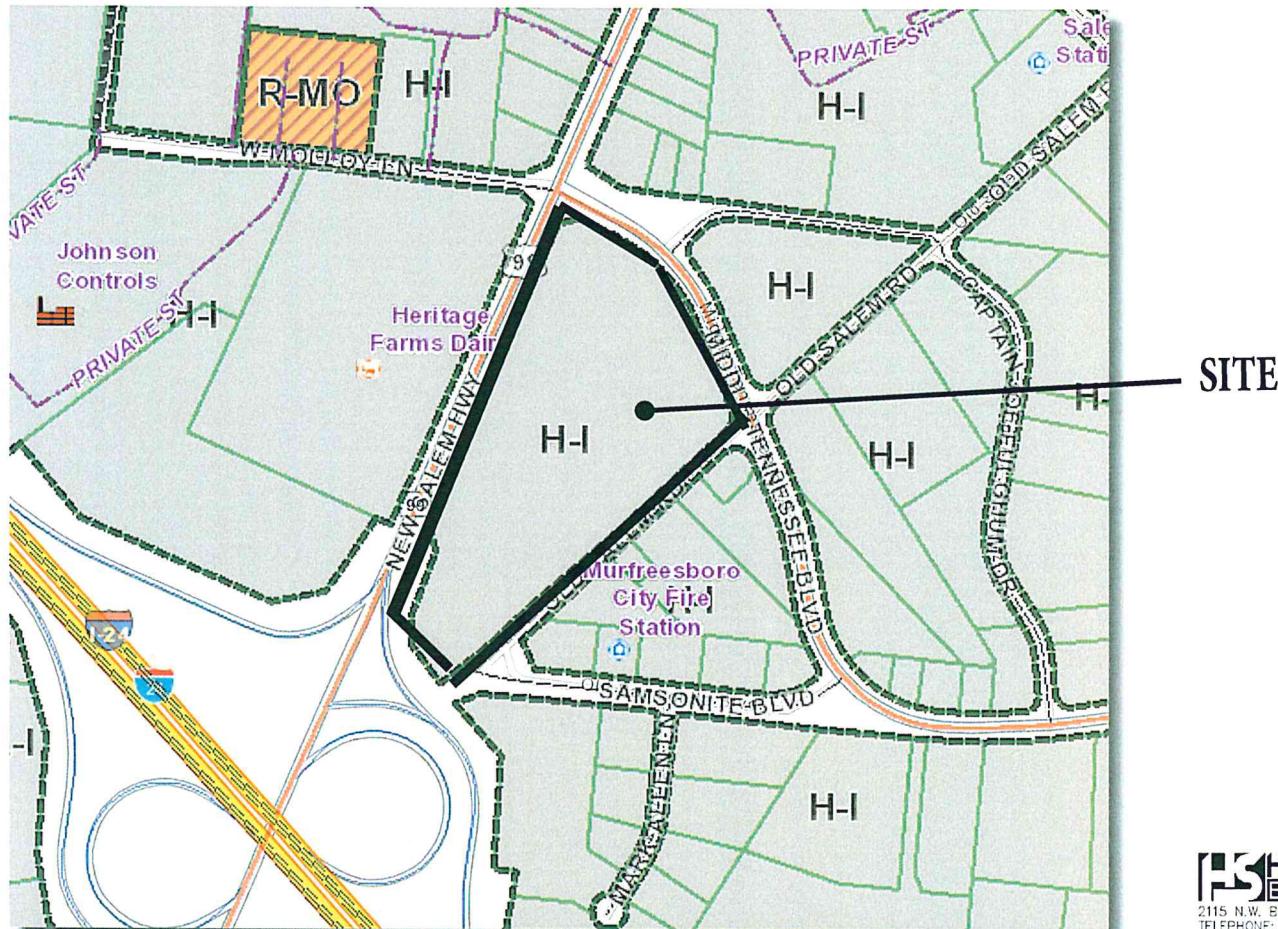


Clyde Rountree, RLA

HUDDLESTON-STEELE ENG., INC.



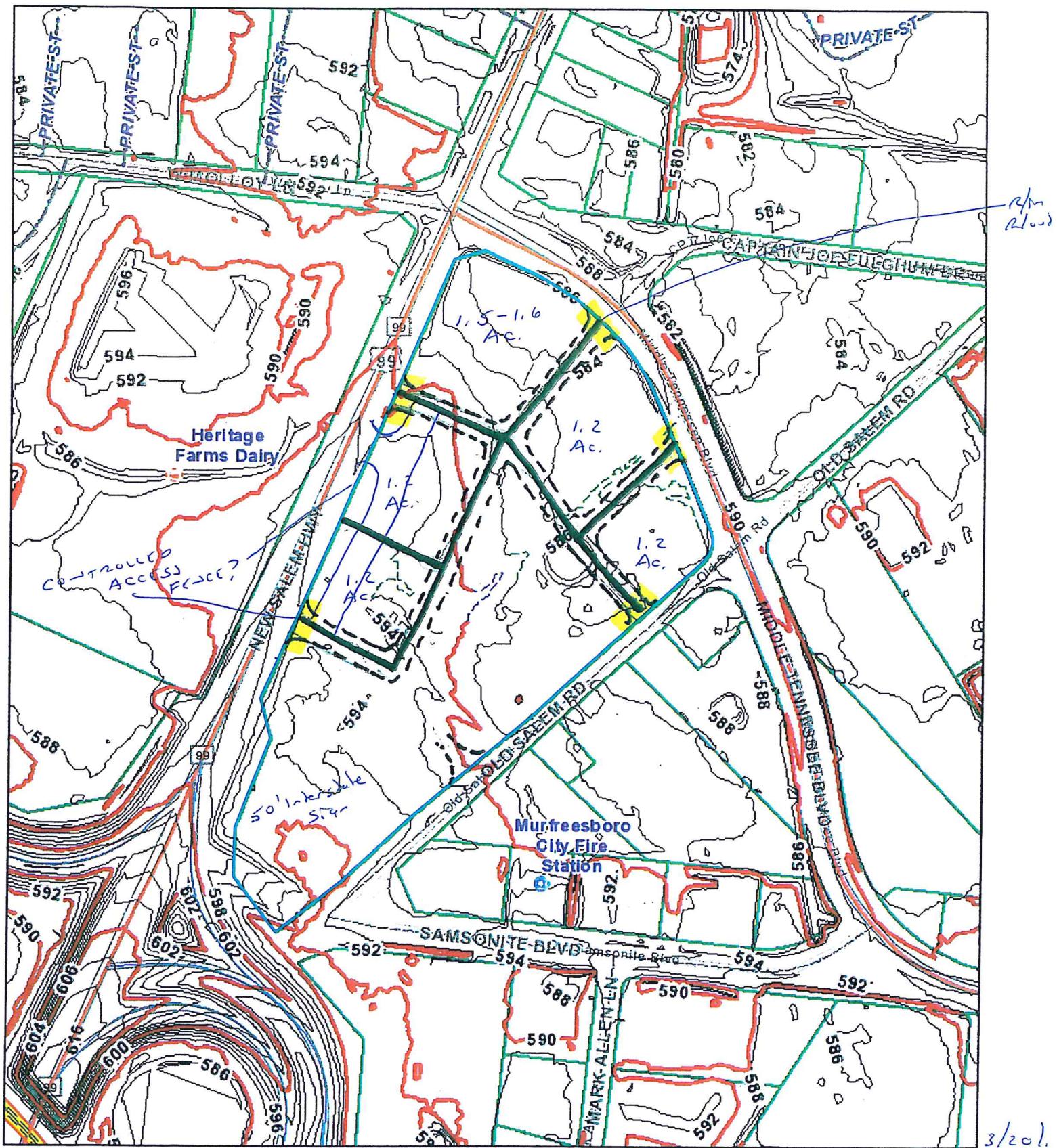
Molloy Rezoning Exhibit



Site: 20.06+/- Acres

**HUDDLESTON - STEELE
ENGINEERING, INC.**
2115 N.W. BROAD STREET, MURFREESBORO, TN 37129
TELEPHONE: 615-893-4084 FAX: 615-893-0080

1084 & 1238 OLD SALEM RD



2/26/2019, 5:32:46 PM

Gory, Sam, John, Bricke, Jill, Norton, Jimmy, 1:4,514 Megan, Susan -
J. H. H. M. H. M. 0 M. 0.03 0.06 M. 0.12 mi M.

en, Jimmy, 1:4,514 Megan, Susanna
0 M. 0.03 0.06 M. 0.12 mi M.

0 0.05 0.1 0.2 km

— Stream Lines

Hotels

Own to LI Car Dealership

livestock Conv. Store, Fast Food, Offices

 Banking and Finance

This instrument prepared by:
Murfree & Murfree, PLLC, Attorneys
805 S. Church Street, Suite 6
Murfreesboro, Tennessee 37130
From information furnished by the parties

Name and Address of New Owner: Send Tax Bills To:

Jean Katley Molloy, et al
2226 North Woods Drive
Murfreesboro, TN 37130

Send Tax Bills To:

same

Tax Map 102; Parcel 7.01

STATE OF TENNESSEE
COUNTY OF RUTHERFORD

FOR AND IN THE CONSIDERATION of the love and affection I
have for the grantees herein;

I, the undersigned, **JEAN KIRTLEY MOLLOY**, grantor, a widow,
by these presents do hereby transfer and convey a .73% undivided
interest to my son, **NEWTON FORD MOLLOY, III**; a .73% undivided interest
to my son, **JAMES ADDISON MOLLOY**; a .73% undivided interest to **CHARLOTTE**
K. MOLLOY; and a .73% undivided interest to **DARYLA A. MOLLOY**, grantees,
their heirs and assigns, forever, in and to the following described real
estate situated in the 13th Civil District of Rutherford County,
Tennessee, to-wit:

A parcel of real estate 28 acres, more or less, being bounded on the north by Molloy Lane, on the east by Old Salem Highway, on the south and west by road connecting Samsonite Boulevard and New Salem Highway, and on the west by New Salem Highway (also known as Forest Highway).

BEING a part of the same property conveyed to N. F. Molloy by deed of record in Deed Book 76, page 397, in the Register's Office of Rutherford County, Tennessee. The said N. F. Molloy is now deceased and by Last Will and Testament of record in Will Book 6, page 182, Office of the County Clerk, Rutherford County, Tennessee, devised said property to the grantor, Jean Kirtley Molloy.

INCLUDED IN THE ABOVE DESCRIPTION BUT SPECIFICALLY EXCLUDED
HEREFROM is the following described property taken by the
City of Murfreesboro by eminent domain pursuant to Order
dated June 6, 1998, and filed in the Circuit Court for
Rutherford County, Tennessee in the case of City of
Murfreesboro v. Jean Kirtley Mollov. Case No. 40048:

Beginning at a point on the westerly right of way of Old Salem Highway, said point being located N 47° 30' 08" E, 51.28 feet from the intersection of the northerly right of way of Samsonite Boulevard and the westerly right of way of Old Salem Highway; thence, with the northerly right of way of Samsonite Boulevard, N 40° 08' 18" W, 127.72 feet to a point; thence, with a 400.00 foot radius curve to the left a distance of 178.22 feet, a chord bearing and distance of N 52° 54' 09" W, 176.75 feet to a point; thence, S 63° 41' 17" W, 63.38 feet to a point; thence, N 23° 30' 00" W, 12.22

feet to a point in the easterly right of way of New Salem Highway (Highway 99); thence, with said right of way, N 24° 24' 45" E, 190.87 feet to a point; thence, leaving said right of way, with a new line, S 19° 47' 47" E, 69.75 feet to a point; thence, with a 500.00 foot radius curve to the right a distance of 223.19 feet, a chord bearing and distance of S 52° 55' 35" E, 221.35 feet to a point; thence, S 40° 08' 18" E, 123.60 feet to a point in the westerly right of way of Old Salem Highway; thence, with the westerly right of way of Old Salem Highway, S 47° 30' 08" W, 100.08 feet to the Point of Beginning and containing 40,136 square feet or 0.921 acres, more or less.

This conveyance is made subject to all restrictions, covenants, easements and setback lines that are applicable to the above-described property, and of record, and to all zoning restrictions of the appropriate governmental body.

TO HAVE AND TO HOLD the said real estate, a .73% undivided interest each, together with all of the appurtenances, estate and title thereunto belonging unto the said NEWTON FORD MOLLOY, III; JAMES ADDISON MOLLOY; CHARLOTTE K. MOLLOY; and DARYLA A. MOLLOY, their heirs and assigns, forever.

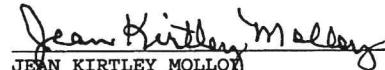
I covenant with the said grantees that I am lawfully seized and possessed of said real estate; that I have a good and lawful right to convey the same and that the same is unencumbered, except the 2006 taxes.

I further covenant and bind myself, my heirs and representatives, to forever warrant and defend the title to said real estate unto the said grantees, their heirs and assigns, against the lawful claims of all persons, whomsoever.

Possession of said real estate is to be given by the grantor to the grantees upon delivery of this deed.

WITNESS MY HAND on this the 21st day of February,

2006.

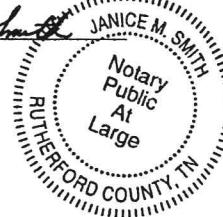

JEAN KIRTLEY MOLLOY

STATE OF TENNESSEE
COUNTY OF RUTHERFORD

Personally appeared before me, the undersigned authority, a Notary Public in and for the State and County aforesaid, the within named JEAN KIRTLEY MOLLOY, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who acknowledged that she executed the within instrument (DEED) for the purposes therein contained.

WITNESS MY HAND and official seal at my office on this the
21st day of February, 2006.

Janice M. Smith
Notary Public



My commission expires: 10-23-06

STATE OF TENNESSEE
COUNTY OF RUTHERFORD

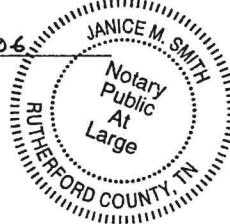
I hereby swear or affirm that the actual consideration for this transfer or value of the property transferred, whichever is greater, is \$43,800.00, which amount is equal to or greater than the amount which the property transferred would command at a fair and voluntary sale.

Jean Kirtley Melday
Affiant

Sworn to and subscribed before me,
this 21st day of February, 2006.

Janice M. Smith
Notary Public

My commission expires: 10-23-06



Record Book
595 Pg 1664

Jennifer M Gerhart, Register
Rutherford County Tennessee
Rec #: 463506 Instrument 1401581
Rec'd: 15.00 NBk: 83 Pg 756
State: 162.06
Clerk: 1.00 Recorded
EDP: 2.00 2/24/2006 at 11:10 am
Total: 180.06 in Record Book
595 Pages 1662-1664

MINUTES OF THE MURFREESBORO PLANNING COMMISSION

JUNE 5, 2019

MEMBERS PRESENT

Kathy Jones, Chair
Ken Halliburton, Vice Chair
Eddie Smotherman
Warren Russell
Ronnie Martin
Jennifer Garland
Chase Salas

STAFF PRESENT

Donald Anthony, Planning Director
Matthew Blomeley, Assistant Director
Margaret Ann Green, Principal Planner
Amelia Kerr, Planner
Sam Huddleston, Executive Dir. of Dev. Services
Carolyn Jaco, Recording Assistant
David Ives, Assistant City Attorney
Austin Cooper, Planner
Jafar Ware, Planner

Chair Kathy Jones called the meeting to order after determining there was a quorum. The minutes of the April 3, 2019, May 1, 2019 and May 15, 2019, Planning Commission meetings were approved as submitted.

Mr. David Ives began by making known the City Administration has requested for the Planning Commission to consider a Mandatory Referral regarding a Memorandum of Understanding (MOU). He explained, a proposal had been made by Rutherford County to lease City owned property at the intersection of Fortress Boulevard and Blaze Drive. The land being considered would be a 50-year lease with Rutherford County. The property consists of 17.6 acres on which Rutherford County proposes to construct a County Clerk Annex, and sublease space to the State of Tennessee, for a second Driver's License office. If approved, the lease would require the County's platting and building process, subject to all City Planning Department, Planning Commission and Codes provisions and approvals.

Mayor Bill Ketron was in attendance to represent the applicant.

Mr. Ken Halliburton made a motion to approve the Mandatory Referral subject to all staff comments, seconded by Mr. Warren Russell. The motion carried by unanimous vote in favor.

Old Business

Annexation plan of services and annexation petition [2019-504] for approximately 3.1 acres located along Shelbyville Pike, Douglas Dales applicant. Ms. Amelia Kerr summarized the staff report, which

MINUTES OF THE MURFREESBORO PLANNING COMMISSION

JUNE 5, 2019

had been made available to the Planning Commission in their agenda packet. Ms. Kerr made known the annexation petition had been deferred during the May 1, 2019, Public Hearing due to concerns from the Murfreesboro Fire Department. Since then, the Fire Department has provided a letter stating they could provide fire protection to this property at the time of annexation. In addition, Ms. Kerr provided a corrected copy of the Taxes and Revenue sheet that would be included in the Plans of Services prior to this item being presented to City Council.

Mr. Ronnie Martin made a motion to approve the annexation plan of services and annexation petition, seconded by Mr. Chase Salas. The motion carried by unanimous vote in favor.

Zoning application [2019-411] for approximately 3.1 acres located along Shelbyville Pike to be zoned CH simultaneous with annexation, Five Star Joint Venture applicant. Ms. Amelia Kerr summarized the staff report, which had been made available to the Planning Commission in their agenda packet. Ms. Kerr made known this item had been deferred during the May 1, 2019, Public Hearing due to concerns from the Murfreesboro Fire Department. Since then, the Fire Department has provided a letter stating they could provide fire protection to this property at the time of annexation.

Mr. Chase Salas made a motion to approve the zoning request subject to all staff comments, seconded by Mr. Ken Halliburton. The motion carried by unanimous vote in favor.

Public Hearings

Zoning application [2019-413] for approximately 20.06 acres located east of New Salem Highway and south of Middle Tennessee Boulevard to be rezoned from H-I to L-I, Newton & James Molloy Families applicant. Ms. Amelia Kerr summarized the staff report, which had been made available to the Planning Commission in their agenda packet. Ms. Kerr made known this request would be considered as down zoning. The applicant has provided a list of speculative uses for the LI zone request. In addition, this request would be consistent with proposed changes being made to the 2035 Comprehensive Plan future land use map that Staff would be presenting in the coming months.

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

MINUTES OF THE MURFREESBORO PLANNING COMMISSION

JUNE 5, 2019

Mr. Ken Halliburton made a motion to approve the zoning request subject to all staff comments, seconded by Mr. Warren Russell. The motion carried by unanimous vote in favor.

Zoning application [2019-412] for approximately 13.04 acres located along New Salem Highway to be rezoned from OG and RM-16 to RS-A (Type 2) and approximately 1.95 acres to be rezoned from RS-15 to RS-6, Tim McClure applicant. Ms. Amelia Kerr summarized the staff report, which had been made available to the Planning Commission in their agenda packet. Ms. Kerr explained that rezoning for this property had been passed on second and final reading at City Council on May 16, 2019. The applicant has submitted a new zoning request to address wetlands on the site. The changes being requested would not increase any number of units to be developed. Also, this request would be consistent with the proposed changes being made to the 2035 Comprehensive Plan future land use map that Staff would be presenting in the coming months.

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

Mr. Warren Russell made a motion to approve subject to all staff comments, seconded by Mr. Ken Halliburton. The motion carried by unanimous vote in favor.

Annexation Petition and Plan of Services [2019-505] for approximately 85 acres located along Lee Lane, James & Virginia Jernigan applicants. Ms. Margaret Ann Green summarized the staff report, which had been made available to the Planning Commission in their agenda packet. Currently, this parcel is undeveloped and has been utilized for agricultural purposes. Included in the agenda packet is an Annexation Feasibility Study and Plan of Services for adoption if approved. This property is contiguous with current City limits and is located within the Urban Growth Boundary.

Chair Kathy Jones opened the public hearing.

1. Mr. Charles Blevens 1826 Tulip Hill Drive - opposes the request due to the overwhelming concerns with the ongoing traffic conditions along Elam Road and Joe B. Jackson Parkway.

ORDINANCE 19-OZ-21 amending the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as heretofore amended and as now in force and effect, to rezone approximately 20.06 acres located east of New Salem Highway and south of Middle Tennessee Boulevard from Heavy Industrial (H-I) District to Light Industrial (L-I) District; Newton and James Molloy Families, applicants [2019-413].

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

SECTION 1. That the same having been heretofore recommended to the City Council by the City Planning Commission, the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as herein referred to, adopted and made a part of this Ordinance as heretofore amended and as now in force and effect, be and the same are hereby amended so as to rezone the territory indicated on the attached map.

SECTION 2. That, from and after the effective date hereof, the area depicted on the attached map shall be zoned and approved as Light Industrial (L-I) District, as indicated thereon, and shall be subject to all the terms and provisions of said Ordinance applicable to such districts. The City Planning Commission is hereby authorized and directed to make such changes in and additions to said Zoning Map as may be necessary to show thereon that said area of the City is zoned as indicated on the attached map. This zoning change shall not affect the applicability of any overlay zone to the area.

SECTION 3. That this Ordinance shall take effect fifteen (15) days after its passage upon second and final reading, the public welfare and the welfare of the City requiring it.

Passed:

Shane McFarland, Mayor

1st reading _____

2nd reading _____

ATTEST:

APPROVED AS TO FORM:

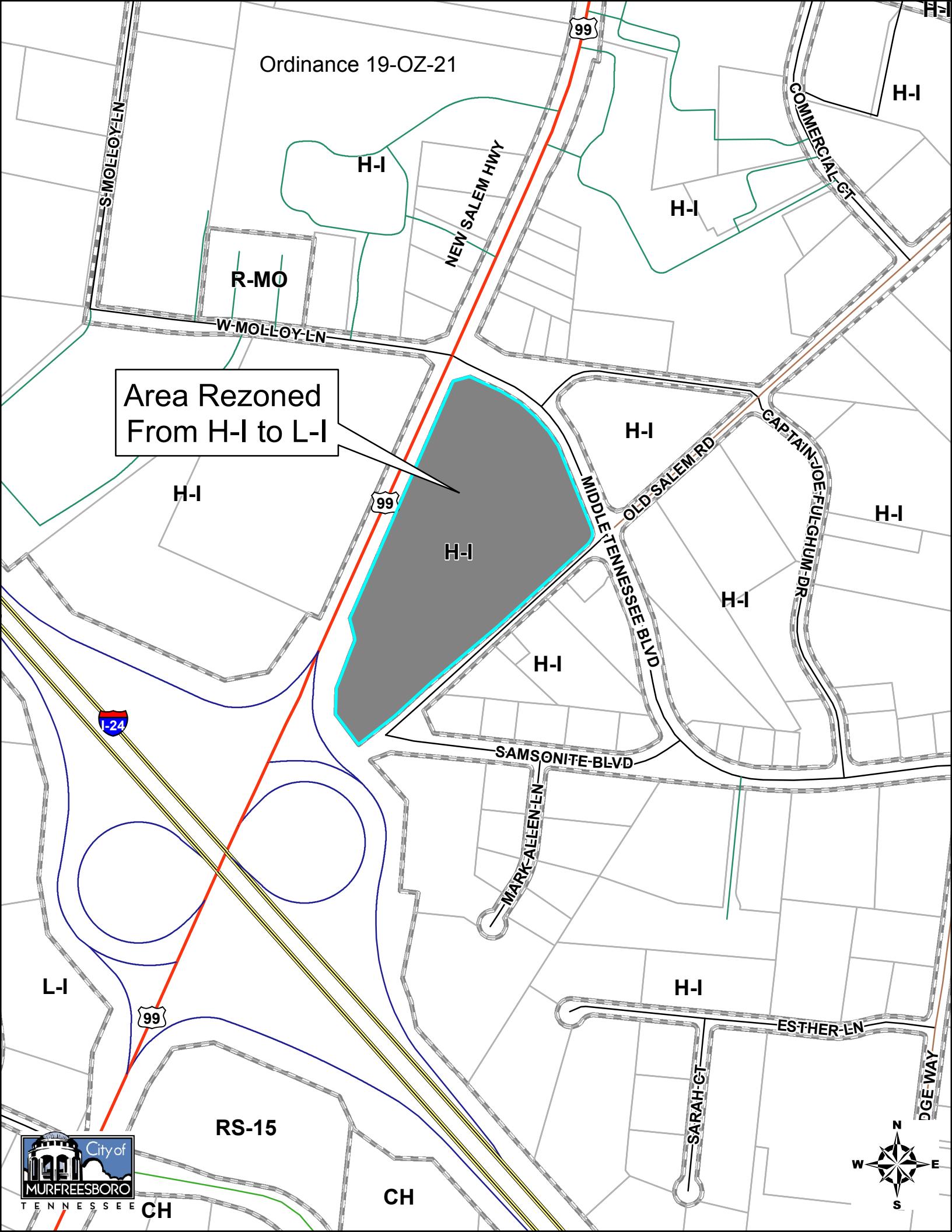
Melissa B. Wright
City Recorder

Adam F. Tucker
City Attorney

SEAL

Ordinance 19-OZ-21

Area Rezoned
From H-I to L-I



COUNCIL COMMUNICATION

Meeting Date: 7/25/19

Item Title: Rezoning approximately 14.99 acres located along New Salem Highway
[Public Hearing Required]

Department: Planning

Presented by: Matthew Blomeley, AICP, Assistant Planning Director

Requested Council Action:

Ordinance	<input checked="" type="checkbox"/>
Resolution	<input type="checkbox"/>
Motion	<input type="checkbox"/>
Direction	<input type="checkbox"/>
Information	<input type="checkbox"/>

Summary

Rezone approximately 14.99 acres located along New Salem Highway east of Clearidge Drive.

Staff Recommendation

Conduct a public hearing, pass and adopt the ordinance establishing the requested zoning.

The Planning Commission unanimously recommended approval of the rezoning by a vote of 7-0.

Background Information

Tim McClure presented a zoning application [2019-412] for approximately 13.04 acres to be rezoned from OG (General Office District) and RM-16 (Residential Multi-Family 16 District) to RS-A, Type 2 (Single-Family Residential Attached District, Suburban Townhouse) and for approximately 1.95 acres to be rezoned from RS-15 (Single-Family Residential District 15) to RS-6 (Single-Family Residential District 6). During its regular meeting on June 5, 2019, the Planning Commission conducted a public hearing on this matter and then voted to recommend its approval.

Council Priorities Served

Engaging Our Community

Public hearings are the official source of public input from stakeholders for zoning applications.

Attachments:

1. Ordinance 19-OZ-22
2. Map of the area
3. Planning Commission staff comments from 6/5/19 meeting
4. Planning Commission minutes from 6/5/19 meeting
5. Rezoning application
6. Other miscellaneous exhibits

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
JUNE 5, 2019**

PROJECT PLANNER: AMELIA KERR

5.b. Zoning application [2019-412] for approximately 13.04 acres located along New Salem Highway to be rezoned from OG and RM-16 to RS-A (Type 2) and approximately 1.95 acres to be rezoned from RS-15 to RS-6, Tim McClure applicant.

The subject property is located along the southeast side of New Salem Highway west of Veterans Parkway. The total requested area is 14.99 acres in size and is a portion of a 482-acre parcel which is identified as Tax Map 123, Parcel 012.00. The parcel itself contains CH (Highway Commercial District) zoning along New Salem Highway and OG (General Office District), RM-16 (Multi-Family Residential District 16), and RS-15 (Single-Family Residential District 15) zoning further away from the highway. The applicant has requested rezoning of the 14.99 acres in question as follows:

- OG to RS-A, Type 2 (Residential Single-Family Attached District, Suburban Townhouse): 4.62 acres;
- RM-16 to RS-A, Type 2: 8.42 acres; and
- RS-15 to RS-6 (Single-Family Residential District 6): 1.95 acres.

The RS-A, Type 2 zone allows single-family attached developments characterized by multi-unit townhouse structures. The RS-6 zone allows single-family residential detached dwellings on lots with a minimum lot size of 6,000 square feet.

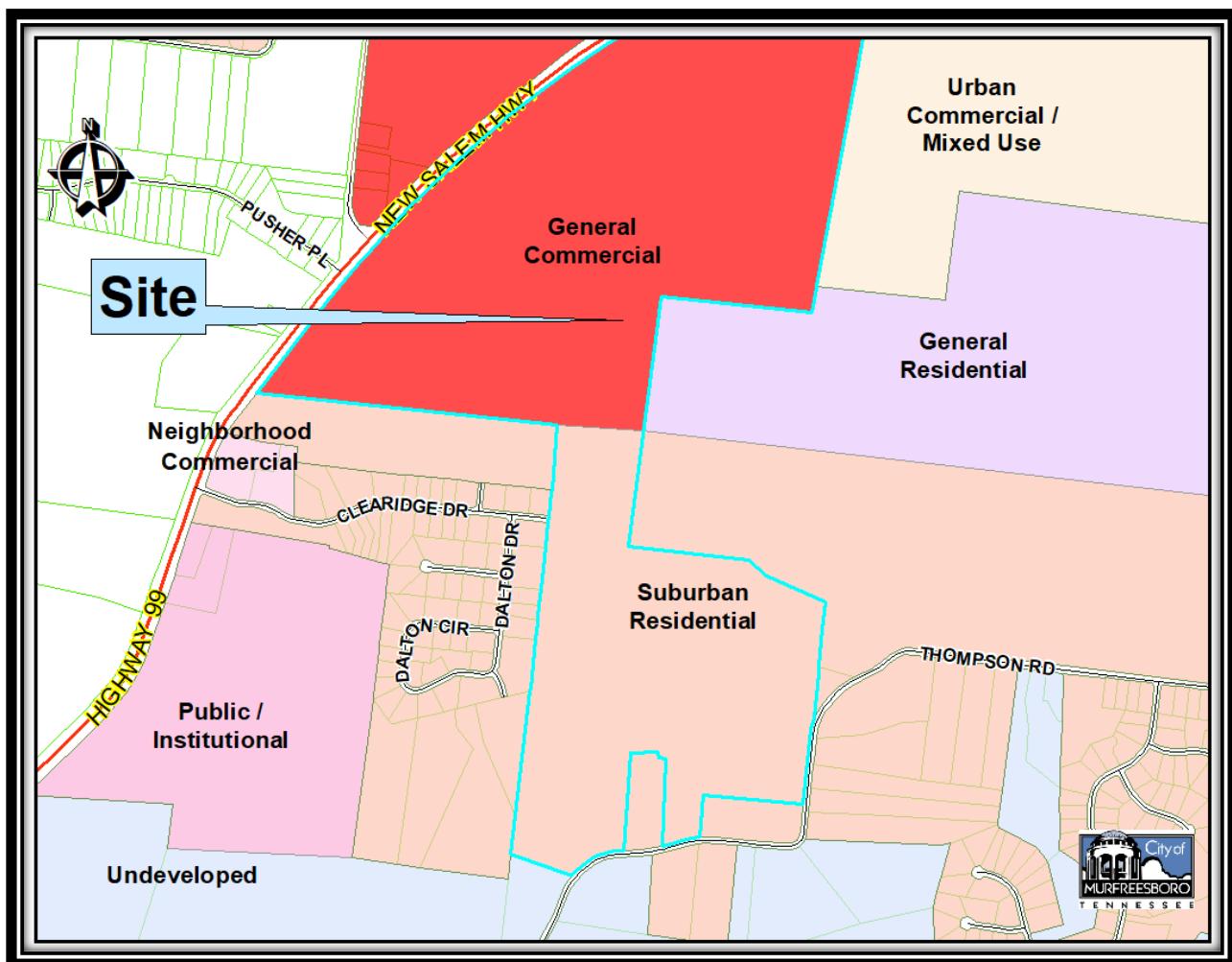
The applicant wishes to move forward with the construction of a residential development that will consist of single-family dwellings on individual lots as well as attached townhouses. In March, the Planning Commission recommended the approval of the rezoning of approximately 90.56 acres of this tract to RS-6 for this proposed development. The City Council passed this rezoning request on first reading on May 2nd and it is anticipated that Council will consider it on second and final reading on May 16th. In studying the previous rezoning application to RS-6, staff analyzed the data on the GIS maps for this project area, and there appeared to be potential wetlands within the rezoning boundary. Due to the identification of wetlands, the applicant is increasing the boundaries of the proposed development in order to mitigate for the wetlands.

Adjacent Zoning and Land Uses

As previously mentioned, the subject parcel is currently zoned CH, OG, RM-16, and RS-15. On the north side of New Salem Highway, the zoning is CH, CF, and RS-15, and the land uses are primarily vacant and agricultural. Also in the unincorporated area surrounding this property are single-family residential subdivisions: Clearidge to the southwest and Blue Ribbon Estates to the northwest across New Salem Highway.

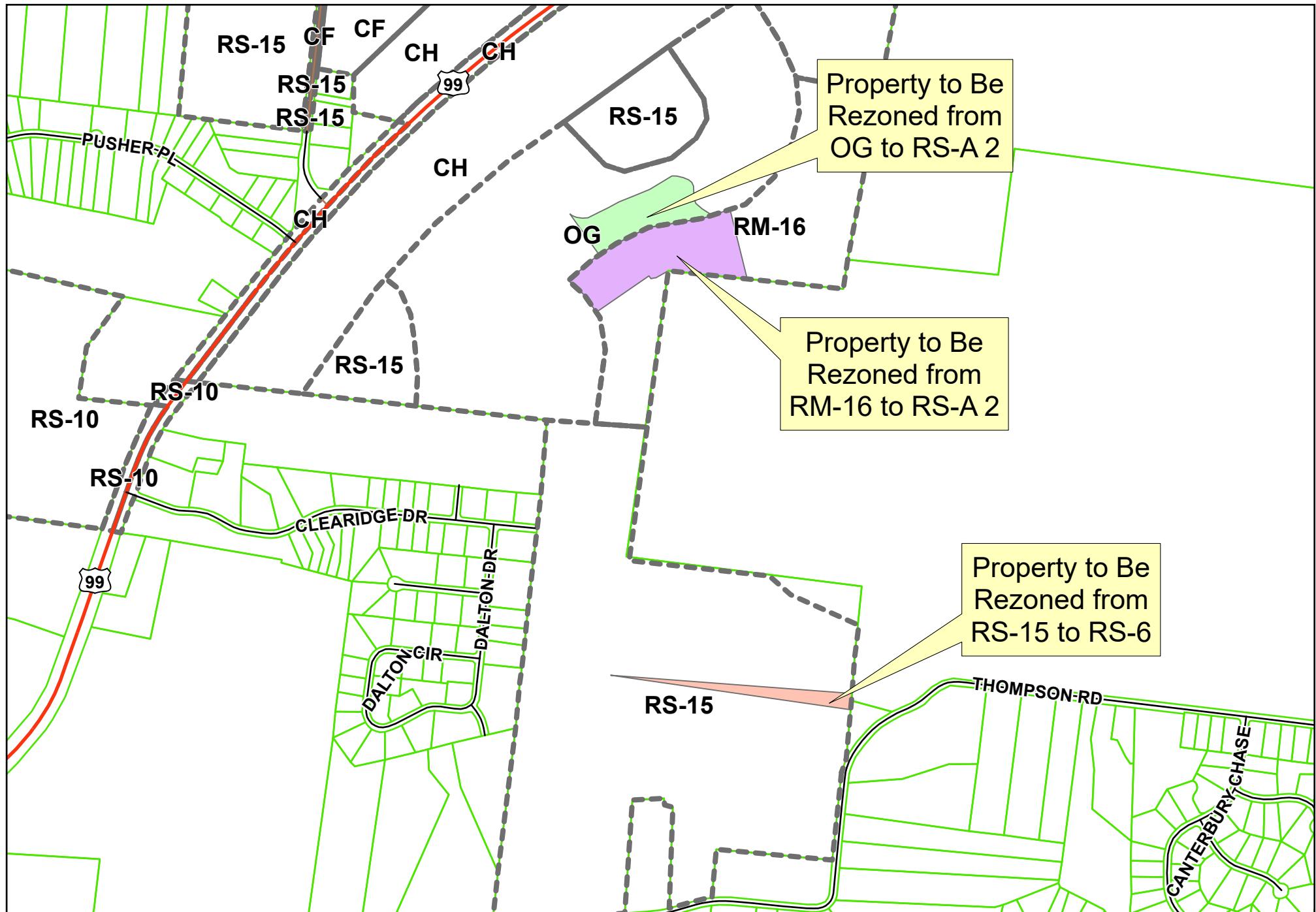
Future Land Use Map

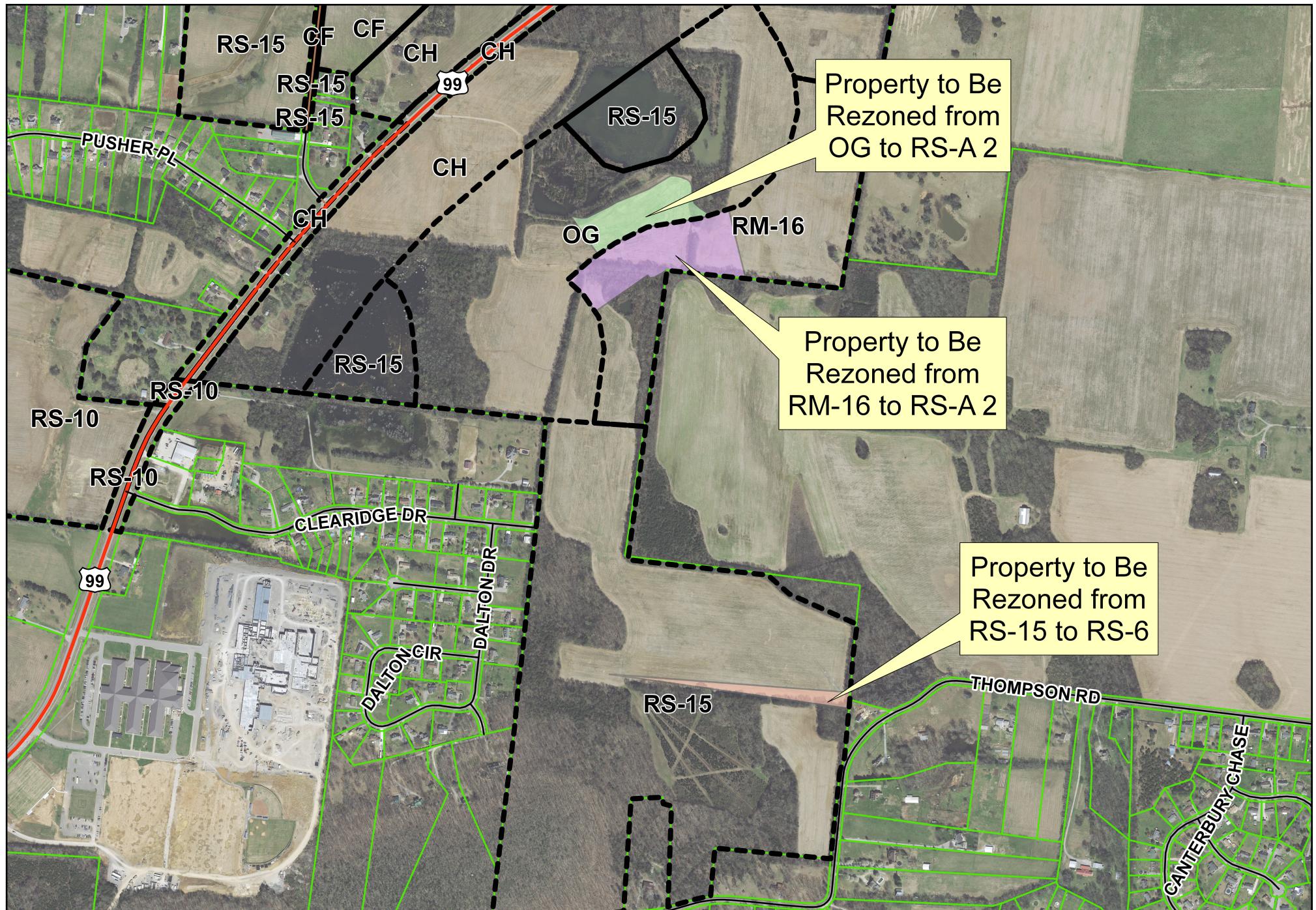
The future land use map of the *Murfreesboro 2035 Comprehensive Plan*, which was adopted in July 2017, recommends that “General Commercial” (along New Salem Highway) and “Suburban Residential” (further away from the highway) are the most appropriate land use characters for the subject property, as shown on the map below.



The characteristics of the General Commercial land use character designation are commercial development devoted to vehicular access, buildings set back toward the rear of site, less building articulation, and uses such as commercial centers along major roadways, restaurant chains, and big box retail. Compatible existing zoning districts are CH and PCD (Planned Commercial District). The characteristics of Suburban Residential are detached residential development with a density range of 2.0-3.54 dwelling units per acres, and compatible existing zoning districts are RS-15, RS-12, and RS-10. The RS-6 and RS-A, Type 2 zoning districts are not consistent with the General Commercial land use character. In addition, these zones generally allow for higher-density than what is recommended for the Suburban Residential land use character, although this land use character does allow for smaller lot sizes or attached residential uses with the provision of "increased open space to preserve a suburban character setting." The Planning Commission should discuss the proposed zoning with regards to the recommended General Commercial and Suburban Residential land use character designations and determine if this is an appropriate instance to deviate from the plan's recommendations and whether or not an amendment to the future land use map is warranted.

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







Creating a better quality of life

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

Zoning & Rezoning Applications – other than rezoning to planned unit development	\$700.00
Zoning & Rezoning Applications – Planned Unit Development, initial or amended	\$950.00

Procedure for applicant:

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

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

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

To be completed by applicant:

APPLICANT: Tim McClure

Address: 602 N. Walnut St City/State/Zip: Murfreesboro, TN 37130

Phone: 423-595-4166 E-mail address: tmbuilder@comcast.net

PROPERTY OWNER: Rucker Donnell Foundation c/o Rick Mansfield

Street Address or property description: Along south side of Hwy 99

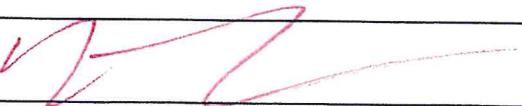
and/or Tax map #: 123 Group: Parcel (s): 12.00

Existing zoning classification: OG, RM-16, RS-15

Proposed zoning classification: RS-6 & RS-A Acreage: 14.99

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

E-mail: MTAYLOR@SEC-CIVIL.COM

APPLICANT'S SIGNATURE (required): 

DATE: 4-11-19

Received
Planning Department

*****For Office Use Only***** APR 11 2019

Date received:

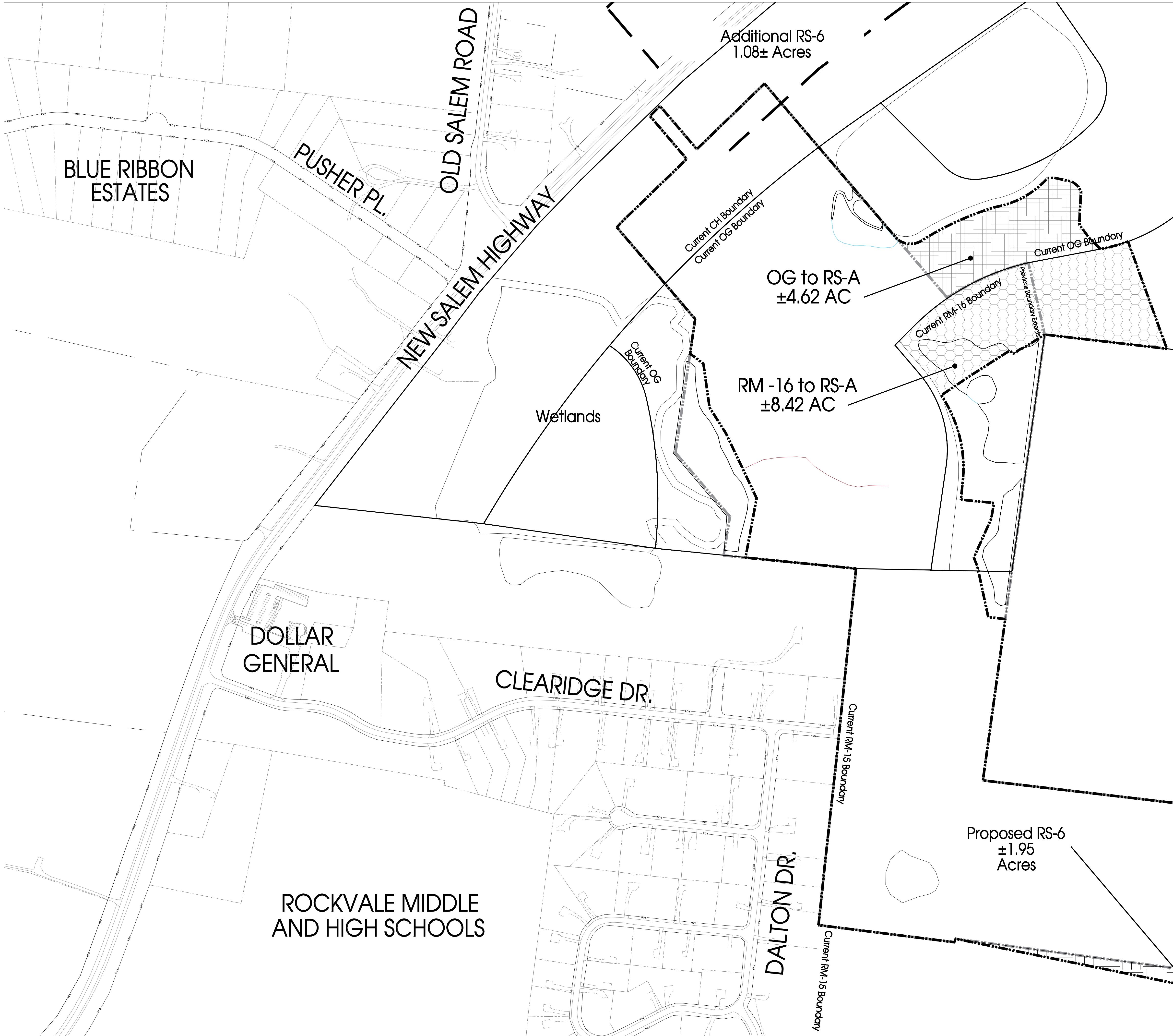
MPC YR.:

MPC #:

111 West Vine Street
Murfreesboro, TN 37130

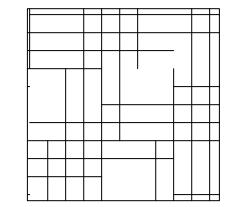
Amount paid: \$ 700.00

Receipt #: 293614

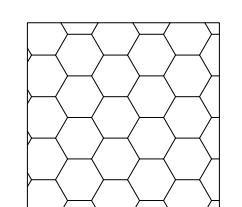


Zoning Exhibit 04-08-2019
Zoning Acreage Addition per Boundary Revisions

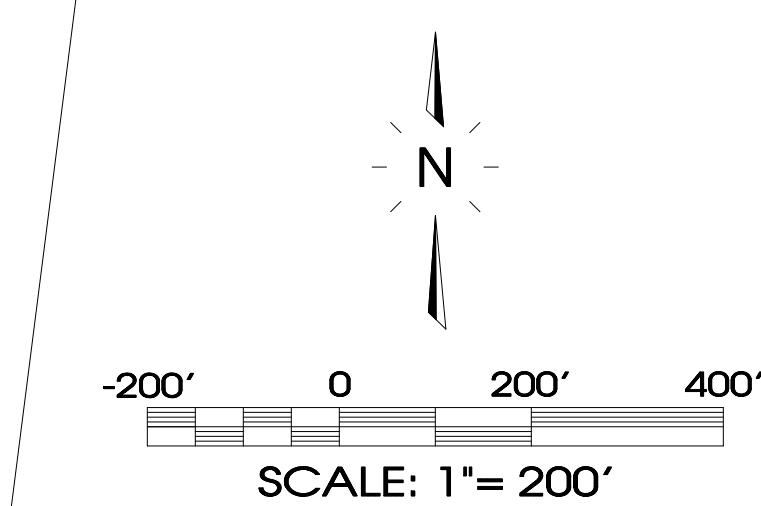
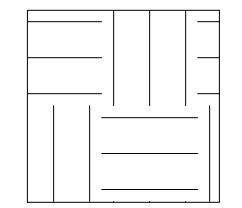
Total Proposed OG To RS-A ±4.62 AC



Total Existing RM-16 to RS-A ±8.42 AC



Total Additional RS-15 to RS-6 ±1.95 AC



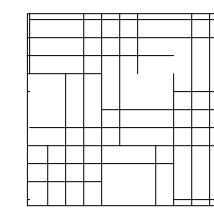
SEC, Inc.

SITE ENGINEERING CONSULTANTS
ENGINEERING • SURVEYING • LAND PLANNING
850 MIDDLE TENNESSEE BOULEVARD
MURFREESBORO, TENNESSEE 37129
NO PORTION OF THIS DRAWING MAY BE REPRODUCED
WITHOUT THE EXPRESSED WRITTEN CONSENT OF S.E.C. INC.

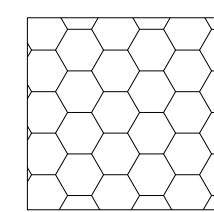
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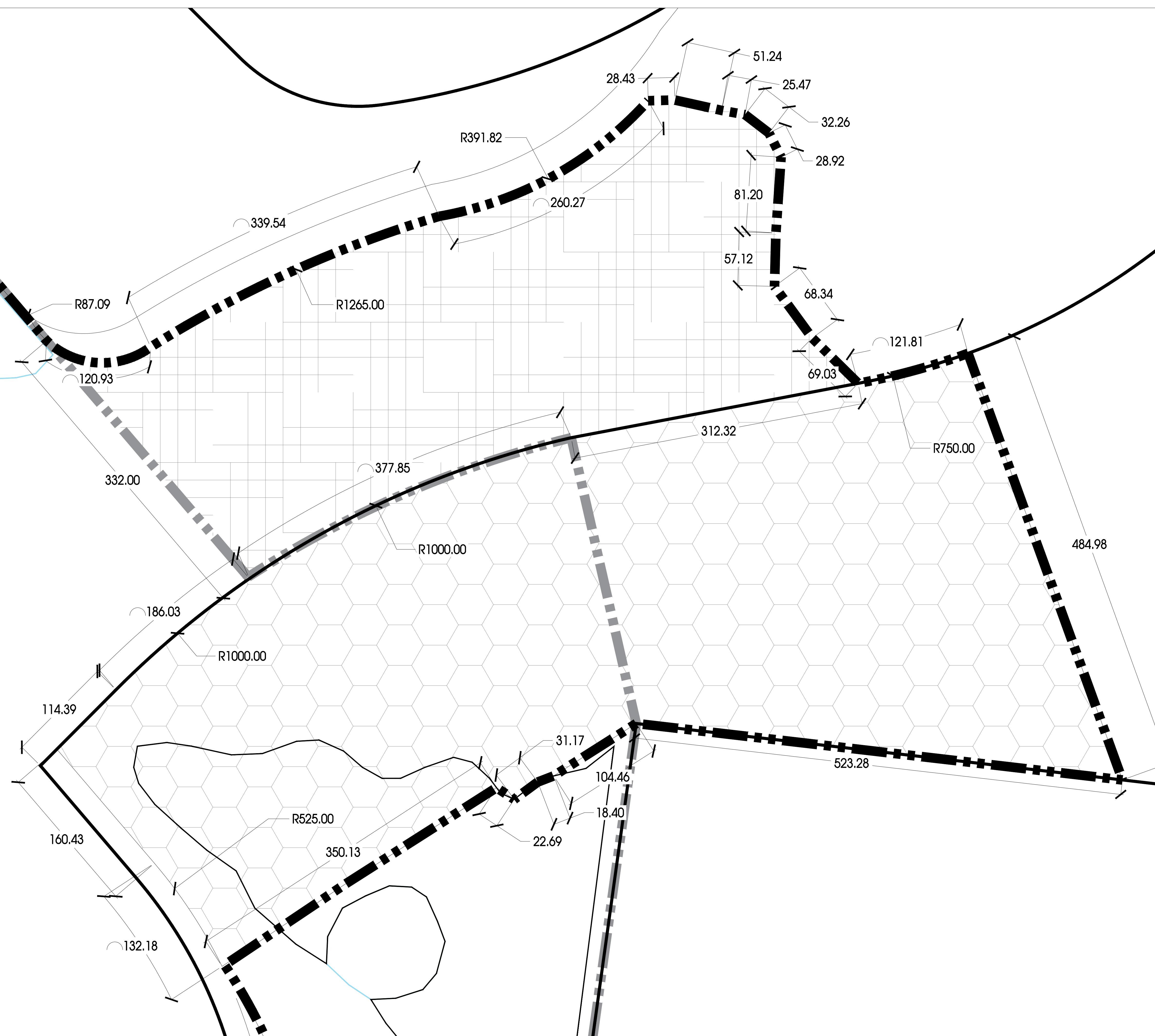
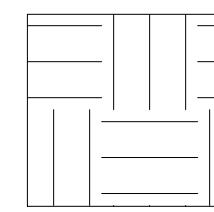
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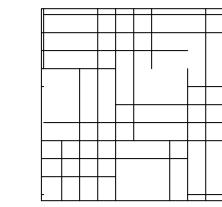
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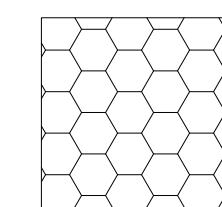
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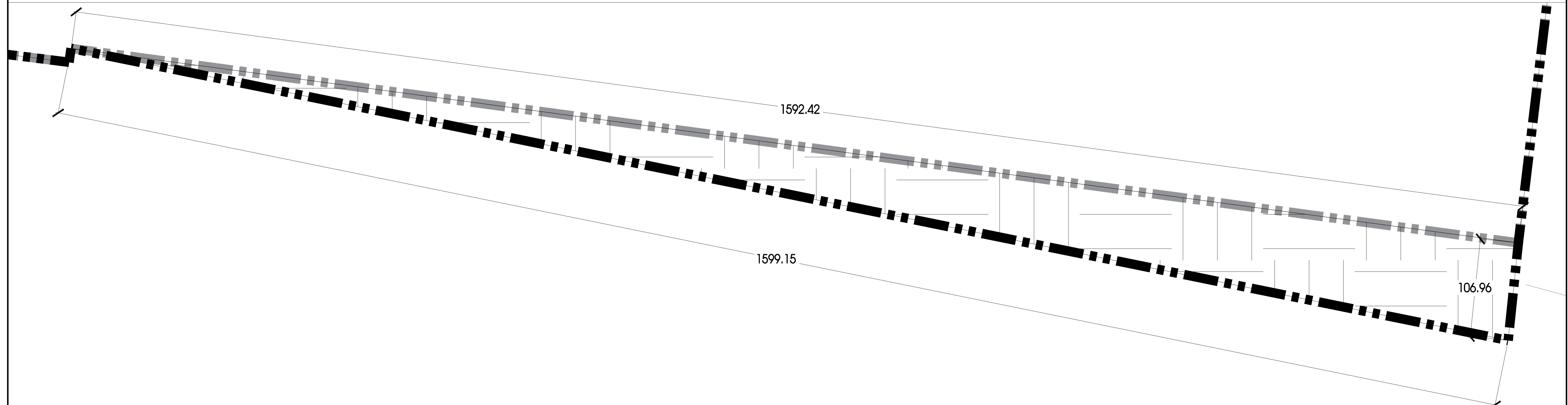
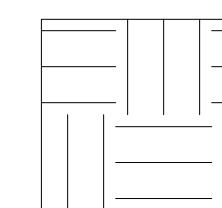
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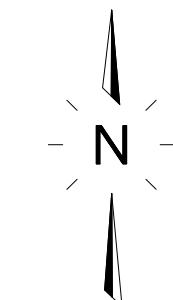


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-50' 0 50' 100'
SCALE: 1" = 50'

MINUTES OF THE MURFREESBORO PLANNING COMMISSION

JUNE 5, 2019

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MINUTES OF THE MURFREESBORO PLANNING COMMISSION

JUNE 5, 2019

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Zoning application [2019-412] for approximately 13.04 acres located along New Salem Highway to be rezoned from OG and RM-16 to RS-A (Type 2) and approximately 1.95 acres to be rezoned from RS-15 to RS-6, Tim McClure applicant. Ms. Amelia Kerr summarized the staff report, which had been made available to the Planning Commission in their agenda packet. Ms. Kerr explained that rezoning for this property had been passed on second and final reading at City Council on May 16, 2019. The applicant has submitted a new zoning request to address wetlands on the site. The changes being requested would not increase any number of units to be developed. Also, this request would be consistent with the proposed changes being made to the 2035 Comprehensive Plan future land use map that Staff would be presenting in the coming months.

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ORDINANCE 19-OZ-22 amending the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as heretofore amended and as now in force and effect, to rezone an area located along New Salem Highway, approximately 13.04 acres from General Office (OG) District and Residential Multi-Family Sixteen (RM-16) District to Single-Family Attached, Suburban Townhouse (RS-A Type 2) District and approximately 1.95 acres from Single-Family Residential Fifteen (RS-15) District to Single-Family Residential Six (RS-6) District; Tim McClure, applicant [2019-412].

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

SECTION 1. That the same having been heretofore recommended to the City Council by the City Planning Commission, the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as herein referred to, adopted and made a part of this Ordinance as heretofore amended and as now in force and effect, be and the same are hereby amended so as to rezone the territory indicated on the attached map.

SECTION 2. That, from and after the effective date hereof, the area depicted on the attached map shall be zoned and approved as Single-Family Attached, Suburban Townhouse (RS-A Type 2) and Single-Family Residential Six (RS-6) District, as indicated thereon, and shall be subject to all the terms and provisions of said Ordinance applicable to such districts. The City Planning Commission is hereby authorized and directed to make such changes in and additions to said Zoning Map as may be necessary to show thereon that said area of the City is zoned as indicated on the attached map. This zoning change shall not affect the applicability of any overlay zone to the area.

SECTION 3. That this Ordinance shall take effect fifteen (15) days after its passage upon second and final reading, the public welfare and the welfare of the City requiring it.

Passed:

Shane McFarland, Mayor

1st reading _____

2nd reading _____

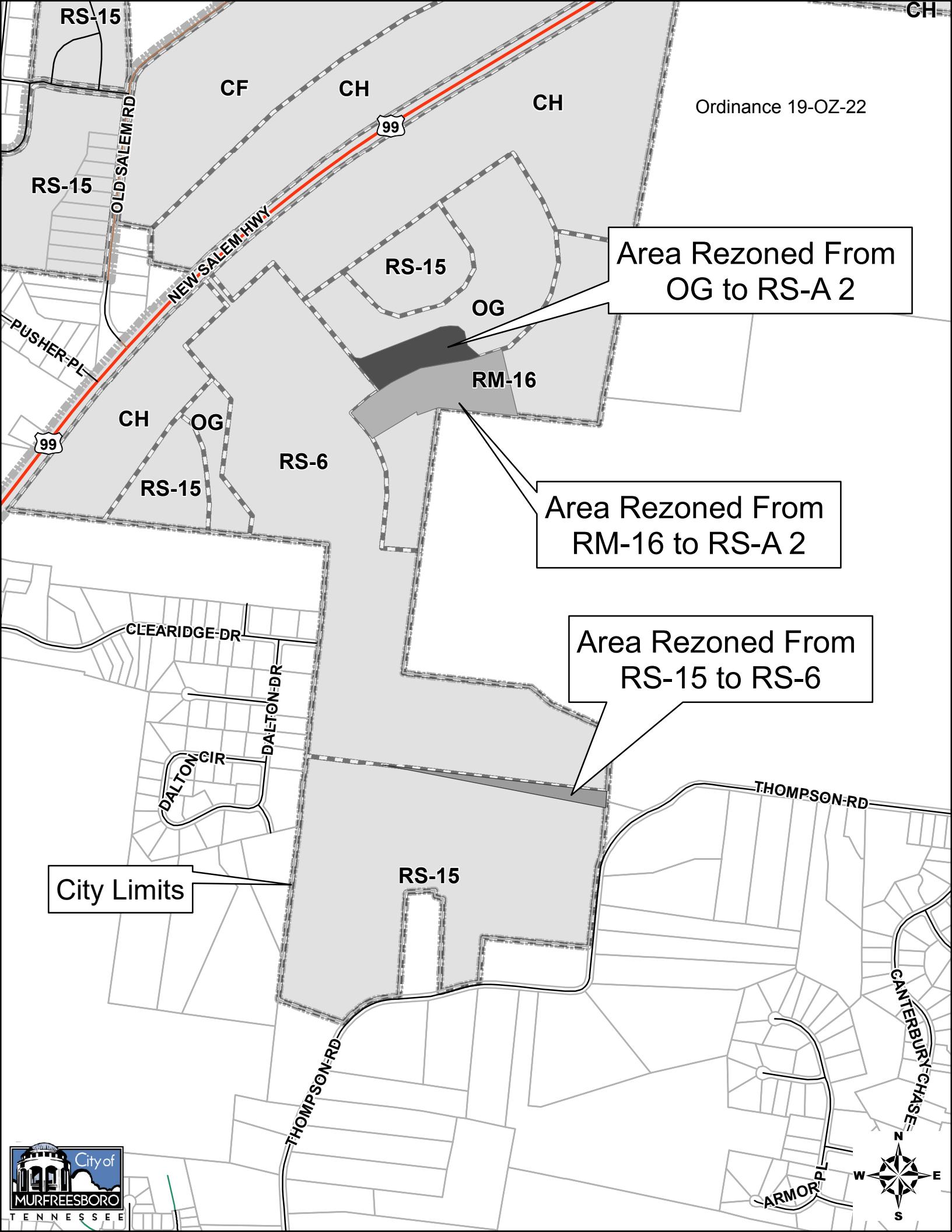
ATTEST:

APPROVED AS TO FORM:

Melissa B. Wright
City Recorder

Adam F. Tucker
City Attorney

SEAL



COUNCIL COMMUNICATION

Meeting Date: 07/25/2019

Item Title: Amendment of City Code pertaining to Electrical Contractor Licensing Laws and Regulation

Department: Building and Codes

Presented by: Robert Holtz

Requested Council Action:

Ordinance	<input checked="" type="checkbox"/>
Resolution	<input type="checkbox"/>
Motion	<input type="checkbox"/>
Direction	<input type="checkbox"/>
Information	<input type="checkbox"/>

Summary

Amendment of Section 11 of the City Code.

Staff Recommendation

Approval of Ordinance 19-O-19 amending Section 11 of the City Code.

The Murfreesboro Board of Electrical Examiners has recommended these amendments to the City Code.

Background Information

The Department is updating our Electrical Ordinance to comply with state law. State law requires an electrical permit when an existing HVAC system is being replaced, even if the replace is a "like for like" change-out. The amendment modifies the City Code to be consistent with State law.

The ordinance also provides, at the discretion of the Building Official, for the building permit holder for a residential permit to request all final inspections at the same time, including electrical. Currently, electric inspections are requested separately from other inspections (building, plumbing, mechanical and gas). This change eliminated the Department delaying the other inspections pending the electrical inspection.

Lastly, the annual renewal date for electrical licensing is currently in September. Due to workload of the Department at that time, the renewal date is changed to January to provide better resource allocation during the year.

Council Priorities Served

Safe and Livable Neighborhoods

The local electrical licensing Ordinance assures that electrical contractors are held to high standard to help maintain a safe building environment.

Excellent Services with a Focus on Customer Service

Allowing the residential building permit holder to request all inspections at the same time allows for more efficient and timely inspections.

Engaging Our Community

These changes have been approved by the Murfreesboro Board of Electrical Examiners

Operational Issues

Operational efficiency is significantly increased by the changes.

Fiscal Impact

None

Attachments

Ordinance 19-O-19 amended or the Murfreesboro City Code

ORDINANCE 19-O-19 amending the Murfreesboro City Code, Chapter 11, Electricity, Sections 11-4.1, 11-6, 11-9, 11-10, 11-15, 11-51, and 11-52, dealing with amendments to the National Electrical Code and the City's permit process for electrical work.

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

SECTION 1. Section 11-4.1, National Electrical Code - Amended, of the Murfreesboro City Code is hereby amended by deleting subsection (A) in its entirety and subsequently renumbering the remaining subsections (A) through (H).

SECTION 2. Section 11-6, Permits Required, of the Murfreesboro City Code is hereby amended by deleting the section in its entirety and substituting in lieu thereof the following:

“SECTION 11-6 PERMITS REQUIRED.

Except as provided in Section 11-51(B), the following electrical work is prohibited within the City except where and as authorized by an electrical permit issued by the Department to a licensed electrical contractor: (a) altering or extending a building's service and/or branch circuits; (b) replacing, adding to, or otherwise altering a building's electrical panel; (c) adding one or more new circuits, outlets, switches, motors, devices, or other hard-wired equipment to a building's electrical system; (d) replacing existing HVAC equipment; including a “like for like” change-out; or (e) any other change to the electrical wiring of a building or premises. In addition, some electrical work may also require a building permit from the Department prior to issuance of the electrical permit.”

SECTION 3. Section 11-9, Fees, of the Murfreesboro City Code is hereby amended at subsection (C) by deleting the subsection in its entirety and substituting in lieu thereof the following:

“(C) A separate electrical permit is required for installation of an internally illuminated sign. Lighting used to externally illuminate a sign can be installed pursuant to the permit issued for the building's electrical system or under a separate electrical permit.”

SECTION 4. Section 11-10, Permits – Non-Transferability, Refunds, and Re-Issuance, of the Murfreesboro City Code is hereby amended at subsection (B) by capitalizing “Department.”

SECTION 5. Section 11-15, Notice When Work Ready for Inspection, of the Murfreesboro City Code is hereby amended by adding the following sentence to the end of the section:

“The building official may allow the company, firm or individual to whom a residential building permit has been issued to request any and all inspections for the building including electrical inspections.”

SECTION 6. Section 11-51, Appropriate License Prerequisite to Doing Work; Exceptions, of the Murfreesboro City Code is hereby amended at subsection (B)(6) by revising “equipment an systems” to read “equipment and systems.”

SECTION 7. Section 11-52, Expiration, Renewal of License, and Registration of Journeyman, of the Murfreesboro City Code is hereby amended by deleting the first and second sentences in their entirety and substituting in lieu thereof the following:

“License and registrations issued under this article between the dates of September 30, 2018 and December 31, 2019 will expire January 31, 2020. Licenses and registrations issued after December 31, 2019 will expire on January 31st of the following year of its issuance.”

SECTION 8. That this Ordinance shall take effect fifteen (15) days after its passage upon second and final reading, the public welfare and the welfare of the City requiring it.

Passed:

Shane McFarland, Mayor

1st reading _____

2nd reading _____

ATTEST:

APPROVED AS TO FORM:

Melissa B. Wright
City Recorder

Adam F. Tucker
City Attorney

SEAL

COUNCIL COMMUNICATION

Meeting Date: 7/25/2019

Item Title: Commission oversight of St. Clair Street Senior Center

Department: Administration

Presented by: Angela Jackson, Executive Director of Community Services

Requested Council Action:

Ordinance	<input checked="" type="checkbox"/>
Resolution	<input type="checkbox"/>
Motion	<input type="checkbox"/>
Direction	<input type="checkbox"/>
Information	<input type="checkbox"/>

Summary

Amend the City Code to assign the oversight of the St. Clair Street Senior Center to the Parks and Recreation Commission.

Staff Recommendation

Approve ordinance granting Parks and Recreation Commission oversight over St. Clair Street Senior Center.

Background Information

On November 2, 2018, the management of the St. Clair Street Senior Center was transferred to the Parks and Recreation Department. This has allowed for coordination and sharing of resources, cost efficiencies ,and consistency of decisions to better serve the citizens of Murfreesboro.

The Parks and Recreation Commission provides citizen oversight of the conduct and supervision of the facilities and programs managed by the Department and makes recommendations to City Council.

Ordinance 19-O-18 amends the existing City Code governing the Commission to include the Senior Center and senior citizen programs, and deletes the article and sections regarding the former St. Clair Street Senior Center Commission.

Council Priorities Served

Engaging Our Community

The Parks and Recreation Commission provide key input, citizen perspective, and effective oversight to our parks and facilities.

Attachment

Ordinance 19-O-18

ORDINANCE 19-O-18 amending the Murfreesboro City Code, and Chapter 21.5, Parks and Recreation, Article II, Parks and Recreation Commission and Chapter 2, Administration, Article XV, St. Clair Street Senior Center Commission, regarding oversight of the St. Clair Street Senior Center and its programs.

WHEREAS, as of November 2, 2018, management of the St. Clair Street Senior Center was transferred to the Murfreesboro Parks and Recreation Department; and,

WHEREAS, the Parks and Recreation Department manages multiple comprehensive recreational centers with areas of specialty including Patterson Park Community Center, Sports*Com, McFadden Community Center, Adams Tennis Complex, and other facilities throughout the park system. The incorporation of St. Clair Street Senior Center into the Parks and Recreation Department's management allows for better coordination and sharing of resources, cost efficiencies and consistency of decisions to foster efforts to better serve the citizens of Murfreesboro; and;

WHEREAS, the Murfreesboro Parks and Recreation Commission provides citizen oversight of the conduct and supervision of the facilities and programs managed by the Parks and Recreation Department and makes recommendations to the appropriate City officials regarding programs of recreation and cultural activity that will employ the leisure time of the citizens in a constructive and wholesome manner.

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

SECTION 1. Section 21.5-20, Bylaws, rules and regulations, of the Murfreesboro City Code is hereby amended by adding the phrase ", and management of the St. Clair Street Senior Center and senior citizen programs," after the words "public recreation".

SECTION 2. Section 21.5-21 - Powers and duties generally, of the Murfreesboro City Code is hereby amended by adding the words "senior citizen facilities," after the words "athletic fields,".

SECTION 3. Chapter 2, Administration, Article XV, St. Clair Street Senior Center Commission (Sections 2-350 through 2-359), of the Murfreesboro City Code is hereby amended by deleting the article and sections in its entirety and marking it as "Reserved."

SECTION 4. That this Ordinance shall take effect fifteen (15) days after its passage upon second and final reading, the public welfare and the welfare of the City requiring it.

Passed:

Shane McFarland, Mayor

1st reading

2nd reading

ATTEST:

Melissa B. Wright
City Recorder

APPROVED AS TO FORM:

Adam F. Tucker
City Attorney

SEAL

COUNCIL COMMUNICATION

Meeting Date: 07/25/2019

Item Title: HVAC Preventative Maintenance Contract

Department: Facilities Management

Presented by: Bo Jones, Facilities Superintendent

Requested Council Action:

Ordinance	<input type="checkbox"/>
Resolution	<input type="checkbox"/>
Motion	<input checked="" type="checkbox"/>
Direction	<input type="checkbox"/>
Information	<input type="checkbox"/>

Summary

Preventative maintenance contract for heating, ventilation, and air conditioning (HVAC) equipment covering 27 structures.

Staff Recommendation

Approve contract with Bernhard MCC in the amount of \$76,529.

Background Information

The City's goal is to become more proactive in its approach to building maintenance. Using an outside contractor for HVAC equipment servicing allows the City to identify problems before they arise and prolong the equipment's lifecycle. The proposed contract will cover all the City's major structures.

Council Priorities Served

Strong and Sustainable Financial and Economic Health

Outsourcing preventative HVAC maintenance assists in avoiding costly emergency repairs and assures the Department is allocating its resources efficiently to provide maintenance in the most cost-effective manner.

Excellent Services with a Focus on Customer Service

Proactive maintenance of facilities assures that the City is able to provide customer service.

Fiscal Impact

The city is adding 17 non-covered structures with minimal impact on the annual operating budget. The funds are already allocated in the operating budgets of the 5 participating departments under repair and maintenance.

Attachments

1. Bernhard MCC Contract
2. Operating Expenditures by Department

Agreement for HVAC Inspection & Maintenance Services

This Agreement is entered into and effective as of the _____ day of _____ 2019, by and between the **City of Murfreesboro**, a municipal corporation of the State of Tennessee (the "City"), and **Bernhard MCC, LLC** a limited liability company of the State of Delaware ("Contractor").

This Agreement consists of the following documents:

- This document
- ITB-26-2019 – HVAC Inspection and Maintenance Services issued 04/15/2019 (the "Solicitation");
- Addendum No. 1. to ITB-26-2019 – HVAC Inspection and Maintenance Services issued 04/18/19;
- Addendum No. 2 to ITB-26-2019 – HVAC Inspection and Maintenance Services – Equipment Inventory issued May 3, 2019
- Addendum No. 3 to ITB-26-2019 – HVAC Inspection and Maintenance Services – Equipment Inventory issued May 8, 2019
- Addendum No. 4 to ITB-26-2019 – HVAC Inspection and Maintenance Services – Equipment Inventory issued May 9, 2019
- Addendum No. 5 to ITB-26-2019 – HVAC Inspection and Maintenance Services – Equipment Inventory issued May 13, 2019
- Addendum No. 6 to ITB-26-2019 – HVAC Inspection and Maintenance Services – Equipment Inventory issued May 14, 2019
- Addendum No. 7 to ITB-26-2019 – HVAC Inspection and Maintenance Services – Equipment Inventory issued May 20, 2019
- Contractor's Proposal dated 05/23/2019 ("Contractor's Proposal");
- Contractor's Price Proposal dated 05/23/2019 (the "Price Proposal"); and,
- Any properly executed amendments to this Agreement.

In the event of conflicting provisions, all documents will be construed according to the following priorities:

- First, any properly executed amendment or change order to this Agreement (most recent amendment or change order given first priority);
- Second, this Agreement;
- Third, the Solicitation & Addendums 1-7 to the Solicitation; and
- Lastly, Contractor's Proposal and Price Proposal.

1. **Duties and Responsibilities of Contractor.** Provide the following services based on "ITB-26-2019 – HVAC Inspection and Maintenance Services" listed under the "Bid Specifications" of the ITB and any Addendums issued to ITB-26-2019 – HVAC Inspection and Maintenance Services.
2. **Term.** The term of this Agreement commences on the Effective Date July 1, 2019 and expires on June 30, 2022. Contractor's services may be terminated in whole or in part:
 - a. Upon 30-day prior notice, for the convenience of the City.
 - b. For the convenience of Contractor, provided that Contractor notifies the City in writing of its intent to terminate under this paragraph at least 30 days prior to the effective date of the termination
 - c. For cause, by either party where the other party fails in any material way to perform its obligations under this Agreement. Termination under this subsection is subject to the condition that the terminating party notifies the other party of its intent to terminate, stating with reasonable specificity the grounds therefore, and the other party fails to remedy the problem within 15 days after receiving the notice.

- d. Should Contractor fail to fulfill in a timely and proper manner its obligations under this Agreement or if it should violate any of the terms of this Agreement, the City has the right to immediately terminate the Agreement. Such termination does not relieve Contractor of any liability to the City for damages sustained by virtue of any breach by Contractor.
- e. Should the appropriation for Contractor's work be withdrawn or modified, the City has the right to terminate the Agreement immediately upon written notice to Contractor.

3. **Compensation; Method of Payment.** Contractor will be compensated upon submission of an invoice quarterly on March 31st, June 30th, September 30th, and December 31st. In addition to the invoice the Contractor shall provide a summary listing a cost breakdown by location/building.

4. **Work Product.** Except as otherwise provided herein, all data, documents and materials produced by Contractor under this Agreement are the property of the City, which retains the exclusive right to publish, disclose, distribute and otherwise use, in whole or in part, any such data, documents or other materials. Any of the City's property, including but not limited to books, records and equipment, that is in Contractor's possession must be maintained in good condition and repair and returned to the City by Contractor at the end of this Agreement

5. **Insurance.** During the term of this Agreement, Contractor must maintain comprehensive general liability insurance with limits of not less than \$1,000,000, as well as automotive and workers' compensation insurance policies. Contractor will provide to the City: (i) a standard certificate of insurance evidencing this coverage prior to commencement of work and upon renewal or expiration of the policies reflected thereupon, (2) upon request, an endorsement naming the City as additional insured under the terms of the policy as follows: "The City of Murfreesboro, Tennessee, its officers, employees, contractors, consultants, and agents."

6. **Indemnification.**

- a. Contractor must indemnify, defend, and hold harmless the City, its officers, agents and employees from any claims, penalties, damages, costs and attorney fees ("Expenses") arising from injuries or damages resulting from, in part or in whole, the negligent or intentional acts or omissions of contractor, its officers, employees and/or agents, including its subcontractors or independent contractors, in connection with the performance of this Agreement, and, Expenses arising from any failure of Contractor, its officers, employees and/or agents, including its subcontractors or independent contractors, to observe applicable laws, including, but not limited to, labor laws and minimum wage laws.
- b. Pursuant to Tennessee Attorney General Opinion 93-01, the City will not indemnify, defend or hold harmless in any fashion Contractor from any claims arising from any failure, regardless of any language in any attachment or other document that Contractor may provide.
- c. **Copyright, Trademark, Service Mark, or Patent Infringement.**
 - i. Contractor, at its own expense, is entitled to and has the duty to defend any suit which may be brought against the City to the extent that it is based on a claim that the products or services furnished infringe a copyright, Trademark, Service Mark, or patent. Contractor will indemnify, defend, and hold harmless the City against any award of damages and costs made against the City. The City will provide Contractor immediate notice in writing of the existence of such claim and full right and opportunity to conduct the defense thereof, together with all available information and reasonable cooperation, assistance and authority from the City in order to enable Contractor to do so. The City reserves the right to participate in the defense of any such action. Contractor has the right to enter into negotiations for and the right to effect settlement or compromise of

any such action provided (i) any amounts due to effectuate fully the settlement are immediate due and payable and paid by Contractor; (ii) no cost or expense whatsoever accrues to the City at any time; and (iii) such settlement or compromise is binding upon the City upon approval by the Murfreesboro City Council.

II. If the products or services furnished under this Agreement are likely to, or do become, the subject of such a claim of infringement, then without diminishing Contractor's obligation to satisfy the final award, Contractor may at its option and expense:

- a. Procure for the City the right to continue using the products or services.
- b. Replace or modify the alleged infringing products or services with other equally suitable products or services that are satisfactory to the City, so that they become non-infringing.
- c. Remove the products or discontinue the services and cancel any future charges pertaining thereto; provided however, Contractor will not exercise this option until Contractor and the City have determined that each of the other options are impractical.

III. Contractor has no liability to the City if any such infringement or claim thereof is based upon or arises out of the use of the products or services in combination with apparatus or devices not supplied or else approved by Contractor, the use of the products or services in a manner for which the products or services were neither designated nor contemplated, or the claimed infringement in which the City has any direct or indirect interest by license or otherwise, separate from that granted herein.

7. **Notices.** Notice of assignment of any rights to money due to Contractor under this Agreement must be mailed first class mail or hand delivered to the following:

If to the City of Murfreesboro:

City Manager
City of Murfreesboro
111 West Vine Street
Murfreesboro, TN 37130

If to Contractor:

Attn: Gregg Wells
Bernhard MCC, LLC
701 Broadway, Suite B-20
Nashville, TN 37203

8. **Maintenance of Records.** Contractor must maintain documentation for all charges against the City. The books, records, and documents of Contractor, insofar as they relate to work performed or money received under the Agreement, must be maintained for a period of three full years from the date of final payment and will be subject to audit, at any reasonable time and upon reasonable notice by the City or its duly appointed representatives. Accounting records must be maintained in accordance with the Generally Accepted Accounting Principles.

9. **Modification.** This Agreement may be modified only by written amendment executed by all parties and their signatories hereto.

10. **Relationship of the Parties.** Nothing herein may in any way be construed or intended to create a partnership or joint venture between the parties or to create the relationship of principal and agent between or among any of the parties. None of the parties hereto may hold itself out in a manner contrary to the terms of this paragraph. No party becomes liable for any representation, act, or

omission of any other party contrary to this section.

11. **Waiver.** No waiver of any provision of this Agreement affects the right of any party thereafter to enforce such provision or to exercise any right or remedy available to it in the event of any other default.
12. **Employment.** Contractor may not subscribe to any personnel policy which permits or allows for the promotion, demotion, employment, dismissal or laying off of any individual due to race, creed, color, national origin, age, sex, veteran status, or any other status or class protected under federal or state law or which is in violation of applicable laws concerning the employment of individuals with disabilities.
13. **Non-Discrimination.** It is the policy of the City not to discriminate on the basis of age, race, sex, color, national origin, veteran status, disability, or other status or class protected under federal or state law in its hiring and employment practices, or in admission to, access to, or operation of its programs, services, and activities. With regard to all aspects of this Agreement, Contractor certifies and warrants it will comply with this policy. No person may be excluded from participation in, be denied benefits of, be discriminated against in the admission or access to, or be discriminated against in treatment or employment in the City's contracted programs or activities, on the grounds of handicap and/or disability, age, race, color, religion, sex, national origin, or any other classification protected by federal or Tennessee State Constitutional or statutory law; nor may they be excluded from participation in, be denied benefits of, or be otherwise subjected to discrimination in the performance of contracts with the City or in the employment practices of the City's Contractors. Accordingly, all proposers entering into contracts with the City may upon request be required to show proof of such nondiscrimination and to post in conspicuous places that are available to all employees and applicants, notices of nondiscrimination.

It is the policy of the City not to discriminate on the basis of age, race, sex, color, national origin, or disability in its hiring and employment practices, or in admission to, access to, or operation of its programs, services, and activities. With regard to all aspects of this contract, Contractor certifies and warrants it will comply with this policy.

Contractor acknowledges that the City is a federal government contractor, and that by virtue of this Contract, Contractor is a federal government subcontractor. Therefore, in accordance with federal law, Contractor shall specifically acknowledge and agree as follows:

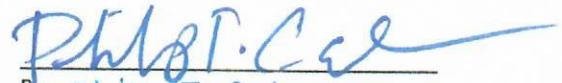
- (1) The City and Contractor shall abide by the requirements of 41 CFR 60-1.4(a). This regulation prohibits discrimination against any employee or applicant for employment because of race, color, religion, sex, sexual orientation, gender identity, or national origin, and requires federal government contractors and subcontractors to take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, sexual orientation, gender identity, or national origin.
- (2) The City and Contractor shall abide by the requirements of 41 CFR 60-300.5(a). This regulation prohibits discrimination against qualified protected veterans, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified protected veterans.
- (3) The City and Contractor shall abide by the requirements of 41 CFR 60-741.5(a). This regulation prohibits discrimination against qualified individuals on the basis of disability, and requires affirmative action by covered prime contractors and subcontractors to employ and advance in employment qualified individuals with disabilities."

14. **Gratuities and Kickbacks.** It is a breach of ethical standards for any person to offer, give or agree to give any employee or former employee, or for any employee or former employee to solicit, demand, accept or agree to accept from another person, a gratuity or an offer of employment in connection with any decision, approval, disapproval, recommendation, preparation of any part of a program requirement or a purchase request, influencing the content of any specification or procurement standard, rendering of advice, investigation, auditing or in any other advisory capacity in any proceeding or application, request for ruling, determination, claim or controversy or other particular matter, pertaining to any program requirement of a contract or subcontract or to any solicitation or proposal therewith. It is a breach of ethical standards for any payment, gratuity or offer of employment to be made by or on behalf of a subcontractor under a contract to the prime contractor or higher tier subcontractor or a person associated therewith, as an inducement for the award of a subcontract or order. Breach of the provisions of this paragraph is, in addition to a breach of this Agreement, a breach of ethical standards which may result in civil or criminal sanction and/or debarment or suspension from being a contractor or subcontractor under the City contracts.
15. **Assignment.** The provisions of this Agreement inure to the benefit of and are binding upon the respective successors and assignees of the parties hereto. Except for the rights of money due to Contractor under this Agreement, neither this Agreement nor any of the rights and obligations of Contractor hereunder may be assigned or transferred in whole or in part without the prior written consent of the City. Any such assignment or transfer does not release Contractor from its obligations hereunder.
16. **Integration.** This Agreement sets forth the entire agreement between the parties with respect to the subject matter hereof and governs the respective duties and obligations of the parties.
17. **Force Majeure.** No party has any liability to the other hereunder by reason of any delay or failure to perform any obligation or covenant if the delay or failure to perform is occasioned by *force majeure*, meaning any act of God, storm, fire, casualty, unanticipated work stoppage, strike, lockout, labor dispute, civil disturbance, riot, war, national emergency, act of public enemy, or other cause of similar or dissimilar nature beyond its control.
18. **Severability.** Should any provision of this Agreement be declared to be invalid by any court of competent jurisdiction, such provision will be severed and not affect the validity of the remaining provisions of this Agreement.
19. **Attorney Fees.** In the event any party takes legal action to enforce any provision of the Agreement, should the City prevail, Contractor will pay all expenses of such action including attorney fees, expenses, and costs at all stages of the litigation and dispute resolution.
20. **Effective Date.** This Agreement is not binding upon the parties until signed by each of the Contractor and authorized representatives of the City and is thereafter effective as of the date set forth above.

[Signatures appear on the following page]

IN WITNESS WHEREOF, the parties enter into this agreement as of _____, 2019 (the "Effective Date").

Bernhard MCC, LLC


By: Philip T. Catanzaro
Its: President

City of Murfreesboro, Tennessee

By: _____
Shane McFarland, Mayor

Approved as to form:

Adam Tucker, City Attorney

Location	Price	2019	2020	Quarterly 2020	Account Numbers	2021	Quarterly 2021
Solid Waste	\$ 2,159.39	\$ 760.00	1200	300	526600	\$ 2159.39	\$ 539.8475
Fleet Fuel	\$ 361.33						
Fleet Services	\$ 741.33						
Total	\$ 1,102.67	\$ 418.00	858	214.5	101250008 526600	\$ 1102.67	\$ 275.6675
Supplies							
City Hall	\$ 8,657.33	\$ 9,500.00	9532.72	2383.18	10120008 526600	\$ 8,657.33	\$ 2,164.33
St Clair Senior Center	\$ 4,102.67	\$ 6,100.00	6100	1525	10120028 526600	\$ 4,102.67	\$ 1,025.67
Communications Dep						\$ -	
Training Ctr	\$ 878.67	\$ 2,700.00	2700	675	10120038 526600	\$ 878.67	\$ 219.67
Police Headquarters	\$ 15,080.00	\$ 24,000.00	25200	6300	10120018 526600	\$ 15,080.00	\$ 3,770.00
Special Ops	\$ 482.67	\$ 1,200.00				\$ 482.67	\$ 120.67
Total	\$ 29,201.33	\$ 43,500.00	43532.72	\$ 10,883.18		\$ 29,201.33	\$ 7,300.33
Streets Building	\$ 482.67	\$ -	483	120.75	10315008 526600	\$ 482.67	\$ 120.6675
Fire Dep Admin	\$ 1,969.33					\$ 1,969.33	
Fire Station 9	\$ 988.00					\$ 988.00	
Fire Station 8	\$ 1,093.33					\$ 1,093.33	
Fire Station 7	\$ 650.67					\$ 650.67	
Fire Station 6	\$ 1,081.33					\$ 1,081.33	
Fire Station 5	\$ 1,110.67					\$ 1,110.67	
Fire Station 4 (Jones)	\$ 649.33					\$ 649.33	
Fire Station 3	\$ 677.33					\$ 677.33	
Fire Station 2	\$ 1,072.00					\$ 1,072.00	
Fire Station 10	\$ 1,146.67					\$ 1,146.67	
Fire Dep Headquarters	\$ 1,709.33					\$ 1,709.33	
Total	\$ 12,148.00	\$ 12,148.00	6000	1500	10211008 526600	\$ 12,148.00	\$ 3037
McKnight Ballfields	\$ 2,634.67						
Ballfields	\$ 1,170.67					\$ 1,170.67	
Patterson Park Com Ctr	\$ 8,730.67					\$ 8,730.67	

Tennis Complex	\$ 7,696.00	\$ 12,256.00	\$ 12,256.00	3064	10413078 526600	\$ 7,696.00	
Sports Com	\$ 9,090.67	\$ 4,570.00	\$ 4,570.00	1142.5	10413038 526600	\$ 9,090.67	
Total	\$ 29,322.67	\$ 16,826.00	\$ 22,343.00	5585.749167		\$ 29,322.67	7330.666667
Golf	\$ 2,112.00	\$ 2,112.00	\$ 2,112.00	528	10414208 526600	2112	528
Total	\$ 76,528.72	\$ 73,234.00	\$ 76,528.72	\$ 19,132.18		\$ 76,528.73	\$ 19,132.18

COUNCIL COMMUNICATION

Meeting Date: 07/25/19

Item Title: Condemnation of Sanitary Sewer Easement

Department: Water Resources

Presented by: Darren Gore

Requested Council Action:

Ordinance	<input type="checkbox"/>
Resolution	<input type="checkbox"/>
Motion	<input checked="" type="checkbox"/>
Direction	<input type="checkbox"/>
Information	<input type="checkbox"/>

Summary

Approve obtaining of a Sanitary Sewer Easement for the Armstrong Valley Road Sewer Project by condemnation.

Staff Recommendation

Approve condemnation, subject to a contract and indemnity agreement with the developer in form approved by the City Attorney.

Background Information

The developer of the project shown on the attached drawing requires off-site sanitary sewer easements from three property owners. Two of them have been obtained by agreement. The third owner is willing to grant the easement but has a mortgage with a California lender with MERS as the lender's agent. The developer is concerned about the tie that may be required to deal with MERS, and that ultimately the lender may not agree. This third owner does not object to condemnation. The developer will agree to bear all costs of the condemnation and will indemnify the City from any damage claim.

Council Priorities Served

Safe and Livable Neighborhoods

Installation of this sanitary sewer project will extend sanitary sewer and avoid the potential problems with septic systems.

Strong and Sustainable Financial and Economic Health

The proposed development will expand the City's tax base.

Fiscal Impacts

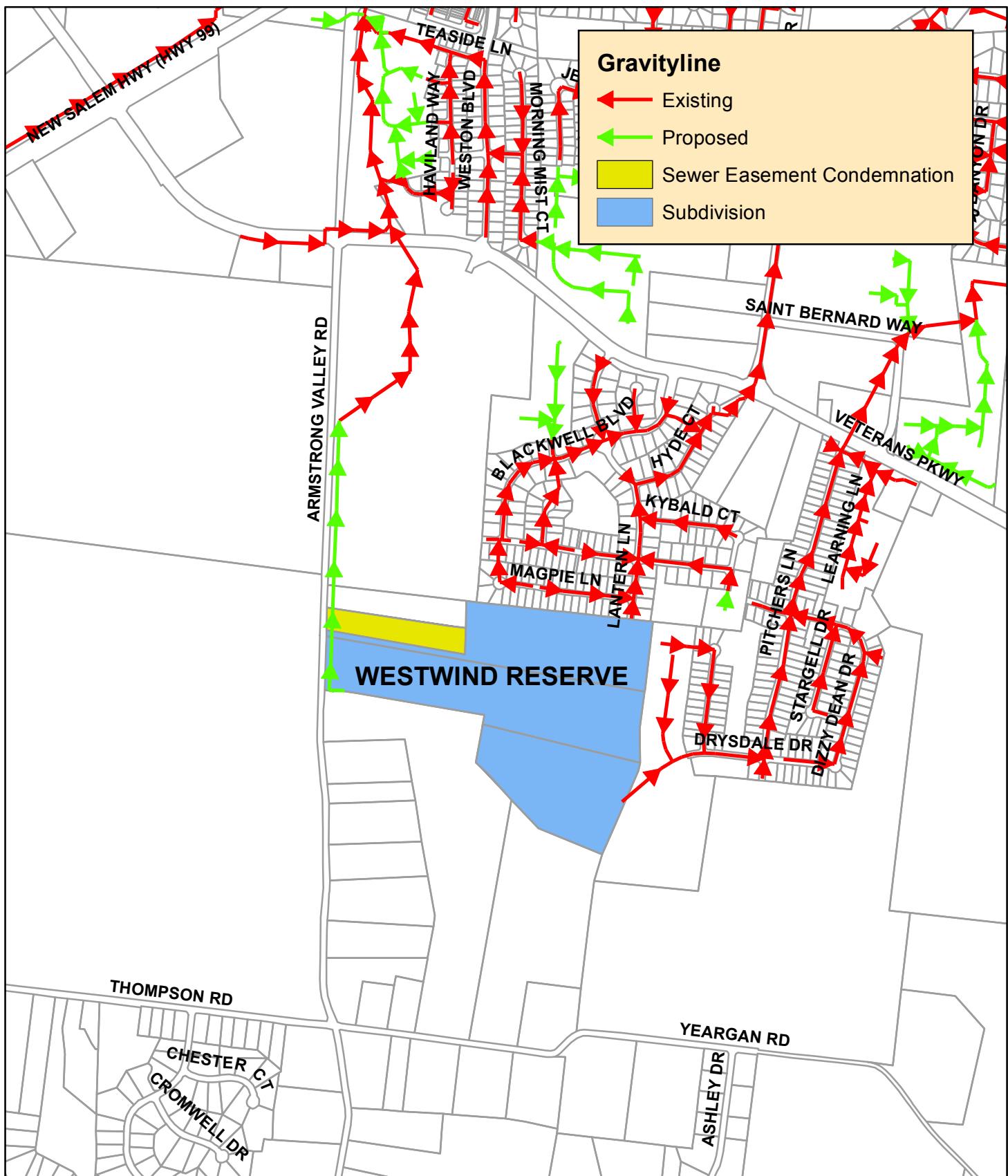
None.

Operational Issues

None.

Attachments:

1. Drawing showing route of Armstrong Valley Road sanitary sewer extension and easement to be condemned.



MURFREESBORO WATER AND SEWER DEPARTMENT

LESIEUR SEWER EASEMENT CONDEMNATION

