

MURFREESBORO CITY COUNCIL
Regular Session Agenda
Council Chambers – City Hall – 6:00 PM
December 2, 2021

PRAYER

Mr. Shawn Wright

PLEDGE OF ALLEGIANCE

Consent Agenda

1. Approach Management Grant Amendment (Airport)
2. Sewer Allocation Variance- Agripark Drive – Clover Senior Living (Planning)
3. Asphalt and Concrete Purchase Report (Street)
4. Change Order Request for Salt Barn Roof Replacement (Street)
5. Banner Request to Hang Across East Main Street for Rutherford County Area Habitat for Humanity to be displayed October 27- November 7, 2022 (Street)

Old Business

6. Ordinance 21-OZ-31 Zoning for property located along Franklin Road (2nd and final reading) (Planning)
7. Ordinance 21-OZ-32 Amending the Shelton Square PRD zoning along Blackman Road (2nd and final reading) (Planning)

New Business

Land Use Matters

8. Plan of Services, Annexation, and Zoning for property located north of Dejarnette Lane (Planning)
 - a. Public Hearing: Plan of services and Annexation
 - b. Resolution 21-R-PS-34: Plan of Services
 - c. Resolution 21-R-A-34: Annexation
 - d. Public Hearing: Zone approximately 19.2 acres
 - e. First Reading: Ordinance 21-OZ-34

9. Plan of Services, Annexation, and Zoning for property located south of South Rutherford Boulevard (Planning)
 - a. Public Hearing: Plan of services and Annexation
 - b. Resolution 21-R-PS-35: Plan of Services
 - c. Resolution 21-R-A-35: Annexation
 - d. Public Hearing: Zone approximately 2.4 acres
 - e. First Reading: Ordinance 21-OZ-35
10. Rezoning property along Bridge Avenue (Planning)
 - a. Public Hearing: Rezoning approximately 9.4 acres
 - b. First Reading: Ordinance 21-OZ-33
11. Rezoning property along Franklin Road (Planning)
 - a. Public Hearing: Rezoning approximately 33.6 acres
 - b. First Reading: Ordinance 21-OZ-36
12. Plan of Services and Annexation for Rights-of-Way of Parkwood Drive, Woodcrest Drive, and Westridge Drive (Planning)
 - a. Public Hearing: Plan of services and Annexation
 - b. Resolution 21-R-PS-37: Plan of Services
 - c. Resolution 21-R-A-37: Annexation
13. Amending the Zoning Ordinance regarding the City Core Overlay District (Planning)
 - a. Public Hearing: Amend Zoning Ordinance
 - b. First Reading: Ordinance 21-O-38

Ordinance

14. Reconfiguration of the Airport Commission (Administration)
 - a. Amend Murfreesboro City Code
 - b. First Reading: Ordinance 21-O-30

On Motion

15. Land Exchange with Middle Tennessee Electric Membership Corporation (Administration)
16. Authorization for IDB of Rutherford County to enter into PILOT Agreement with General Mills (Administration)
17. Contract Approval for Administration of City Retirement Program (Employee Services)
18. Retail Liquor Certificate of Compliance – Big Pig’s Wine & Spirits (Finance)

19. Retail Liquor Certificate of Compliance – Gateway Wine & Spirits (Finance)
20. Three Year ESRI GIS Software Agreement (GIS)

Licensing

Board & Commission Appointments

Payment of Statements

Other Business

Adjournment

COUNCIL COMMUNICATION

Meeting Date: 12/02/2021

Item Title: Approach Management Grant Amendment

Department: Airport

Presented by: Chad Gehrke, Airport 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

The Tennessee Aeronautics Division has approved a second Grant Amendment using federal funds to design an improved approach for Runway 36.

Staff Recommendation

Approve Management Grant Amendment to assist with the design of mitigation efforts improving and protecting the approach for Runway 36.

Background Information

For over two decades the Murfreesboro Airport has been trimming and removing trees on the south end of Runway 36 to maintain a safe approach as required by Federal and State regulations. Coordinating with the Tennessee Aeronautics Division and FAA, Barge Design Solutions is designing a displaced threshold and new approach to ensure for the safe landing of aircraft using Runway 36. The displaced threshold for Runway 36 is anticipated to be in place for a period of five years while the trees under the approach are addressed.

Council Priorities Served

Maintain public safety

Proper design of a new approach for Runway 36 at the Murfreesboro Municipal Airport to ensure the safety of aircraft landing at the Murfreesboro Municipal Airport and citizens that live in the area.

Fiscal Impact

None. This expenditure, \$78,000, is fully paid by federal funds including Cares Act Part 1 funding.

Attachments

Grant Amendment



GRANT AMENDMENT

Agency Tracking # 40100-00420	Edison ID 61679	Contract # AERO-20-276-00	Amendment # 3		
Contractor Legal Entity Name City of Murfreesboro			Edison Vendor ID 4110		
Amendment Purpose & Effect(s) Additional funding, time, and grant language					
Amendment Changes Contract End Date: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		End Date: 05/07/2023			
TOTAL Contract Amount INCREASE or DECREASE per this Amendment (zero if N/A):			\$78,000.00		
Funding —					
FY	State	Federal	Interdepartmental	Other	TOTAL Contract Amount
2020	\$1,110.00	\$19,980.00		\$1,110.00	\$22,200.00
2020	-\$1,110.00	\$2,220.00		-\$1,110.00	\$0.00
2021	\$0.00	\$71,800.00		\$0.00	\$71,800.00
2022	\$0.00	\$78,000.00		\$0.00	\$78,000.00
TOTAL:	\$0.00	\$172,000.00		\$0.00	\$172,000.00
American Recovery and Reinvestment Act (ARRA) Funding: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO					
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.			OCR USE		
Speed Chart (optional) TX00280436 TX00280437 TX00287221 TX00					
Account Code (optional) 71302					

ADDRESS: 5

LOCATION CODE: MURFRE-002

**AMENDMENT THREE
OF GRANT CONTRACT
AERO-20-276-00**

This Grant Contract Amendment is made and entered by and between the State of Tennessee, Department of Transportation, hereinafter referred to as the "State" and City of Murfreesboro hereinafter referred to as the "Grantee." It is mutually understood and agreed by and between said, undersigned contracting parties that the subject Grant Contract is hereby amended as follows:

1. Grant Contract Section B.1. Contract Period is deleted in its entirety and replaced with the following:

B.1. This Grant Contract shall be effective on **May 8th, 2020** ("Effective Date") and extend for a period of **thirty-six (36) months** after the Effective Date ("Term"). The State shall have no obligation to the Grantee for fulfillment of the Scope outside the Term.

2. Grant Contract section C.1. Maximum Liability is deleted in its entirety and replaced with the following:

C.1. Maximum Liability. In no event shall the maximum liability of the State under this Grant Contract exceed **One Hundred Seventy-Two Thousand Dollars and Zero Cents (\$172,000.00)** ("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.

3. Grant Contract section C.5. Invoice Requirements is deleted in its entirety and replaced with the following:

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
<https://www.blackcataviation.com/>

- 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.

4. The following is added as Grant Contract section E.14.

E.14. Davis-Bacon Act and Copeland Anti-Kickback Act. As a condition for receipt of grant funds, the Grantee agrees to comply with the Davis-Bacon Act, 40 U.S.C. § 3141 et seq., and the Copeland Anti-Kickback Act at 18 U.S.C. § 874 et seq., as those sections are amended from time to time during the term.

5. The following is added as Grant Contract section E.15.

E.15. 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:

- a. 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.
- b. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
 - (1) Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
 - (2) Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

6. The following is added as Grant Contract section E.16.

E.16. Employee Protection from Retaliation.

- a. Prohibition of Reprisals:
 - 1. In accordance with 41 U.S.C. § 4712, an employee of a Grantee may not be discharged, demoted, or otherwise discriminated against as a reprisal for disclosing to a person or body described in sub-paragraph (a)(2), information that the employee reasonably believes is evidence of:
 - i. Gross mismanagement of a Federal grant;
 - ii. Gross waste of Federal funds;
 - iii. An abuse of authority relating to implementation or use of Federal funds;
 - iv. A substantial and specific danger to public health or safety; or
 - v. A violation of law, rule, or regulation related to a Federal grant.
 - 2. Persons and bodies covered: The persons and bodies to which a disclosure by an employee is covered are as follows:
 - i. A member of Congress or a representative of a committee of Congress;
 - ii. An Inspector General;
 - iii. The Government Accountability Office;
 - iv. A Federal office or employee responsible for oversight of a grant program;
 - v. A court or grand jury;
 - vi. A management office of the State or the Grantee; or
 - vii. A Federal or State regulatory enforcement agency.
- b. Submission of Complaint: A person who believes that they have been subjected to a reprisal prohibited by paragraph A of this grant term may submit a complaint regarding the reprisal to the Office of Inspector General (OIG) for the U.S. Department of Transportation.
- c. Time Limitation for Submittal of a Complaint: A complaint may not be brought under this subsection more than three years after the date on which the alleged reprisal took place.
- d. Required Actions of the Inspection General: Actions, limitations and exceptions of the Inspector General's office are established under 41 U.S.C. § 4712(b).
- e. Assumption of Rights to Civil Remedy: Upon receipt of an explanation of a decision not to conduct or continue an investigation by the Office of Inspector General, the person submitting a complaint assumes the right to a civil remedy under 41 U.S.C. § 4712(c).

7. The following is added as Grant Contract section E.17.

E.17. Trafficking in Persons. In accordance with section 106(g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. § 7104(g)), the Grantee, its employees, and any subgrant recipients' employees may not:

- a. Engage in severe forms of trafficking in persons;
- b. Procure a commercial sex act; or
- c. Use forced labor in the performance of this Grant Contract and subgrant agreements.

Violation of this requirement may result in termination of this Grant Contract.

8. The following is added as Grant Contract section E.18.

E.18. Buy American. Unless otherwise approved in advance by the FAA, in accordance with 49 U.S.C. § 50101, the Grantee will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured goods produced outside the United States to be used for any permitted use for which funds are provided under this Grant Contract. The Grantee will include a provision implementing Buy American in every contract and subcontract issued under this Grant Contract.

9. The following is added as Grant Contract section E.19.

E.19. Face Coverings Policy. The Grantee agrees to implement a face-covering (mask) policy to combat the spread of pathogens. This policy must include a requirement that all persons wear a mask, in accordance with Centers for Disease Control (CDC) guidelines and Transportation Security Administration (TSA) requirements, as applicable, at all times while in all public areas of the Airport property, except to the extent exempted under those requirements. This special condition requires that the Grantee continue to require masks until Executive Order 13998, Promoting COVID-19 Safety in Domestic and International Travel, is no longer effective.

10. The following is added as Grant Contract section E.20.

E.20. Plans and Specifications Approval Based Upon Certification. The State and the Grantee agree that the FAA's approval of the Grantee's Plans and Specification is based primarily upon the State's and Grantee's certification to carry out the project in accordance with policies, standards, and specifications approved by the FAA. The Grantee understands that:

- a. The State's and Grantee's certification does not relieve the Grantee of the requirement to obtain prior FAA and State approval for modifications to any AIP or supplemental appropriation standards or to notify the FAA and State of any limitations to competition within the project;
- b. The FAA's acceptance of the State's and Grantee's certification does not limit the FAA from reviewing appropriate project documentation for the purpose of validating the certification statements; and
- c. If the FAA and/or State determines that the Grantee has not complied with its certification statements, the FAA will review the associated project costs to determine whether such costs are allowable under AIP or supplemental appropriation.

11. The following is added as Grant Contract section E.21.

E.21. Consultant Contract and Cost Analysis. The Grantee understands and agrees that no reimbursement will be made on the consultant contract portion of this Grant Contract until the State has received the consultant contract, the Sponsor's analysis of costs, and the independent fee estimate.

12. The following is added as Grant Contract section E.22.

E.22. Design Grant. This Grant Contract is being issued in order to complete the design of a project funded under this Grant Contract. The Grantee understands and agrees, that within 2 years after the design is completed, the Grantee will accept, subject to the availability of the amount of Federal funding identified in the ACIP, a grant to complete the construction of the project in order to provide a useful and useable unit of work. The Grantee also understands that if the FAA has provided Federal funding to complete the design for the project, and the Grantee has not completed the design within four (4) years from the execution of this Grant Contract, the FAA may suspend or terminate grants related to the design.

13. The following is added as Grant Contract section E.23.

E.23. Disadvantaged Business Enterprise (DBE)/Airport Concessions Disadvantaged Business Enterprise (ACDBE) Program. The Grantee understands and agrees that the State will not make nor be obligated to make any payments on this Grant until the Grantee has received from the FAA Office of Civil Rights approval of its DBE Program (reflecting compliance with 49 CFR Part 26), and, if applicable, its ACDBE program (reflecting compliance with 49 CFR Part 23).

14. Grant Contract Attachment One is deleted in its entirety and replaced with the new attachment **Attachment One** attached hereto.

15. Grant Contract Attachment One is deleted in its entirety and replaced with the new attachment **Attachment One** attached hereto.

16. Grant Contract Attachment Two is deleted in its entirety and replaced with the new attachment **Attachment Two** attached hereto.

17. Grant Contract Attachment Three is deleted in its entirety and replaced with the new attachment **Attachment Three** attached hereto.

Required Approvals. The State is not bound by this Amendment until it is signed by the contract parties and approved by appropriate officials in accordance with applicable Tennessee laws and regulations (depending upon the specifics of this contract, said 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).

Amendment Effective Date. The revisions set forth herein shall be effective once all required approvals are obtained. All other terms and conditions of this Grant Contract not expressly amended herein shall remain in full force and effect.

IN WITNESS WHEREOF,

CITY OF MURFREESBORO:

75-555-0161-20

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
APPROVED AS TO FORM AND LEGALITY

DATE

Application for Federal Assistance SF-424

* 1. Type of Submission:

- ☐ Preapplication
- ☒ Application
- ☐ Changed/Corrected Application

* 2. Type of Application:

- ☐ New
- ☒ Continuation
- ☐ Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received:

09/24/2021

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name:

City of Murfreesboro

* b. Employer/Taxpayer Identification Number (EIN/TIN):

62-6000374

* c. Organizational DUNS:

d. Address:

* Street1:

111 West Vine Street

Street2:

* City:

Murfreesboro, TN 37130

County/Parish:

Rutherford

* State:

TN: Tennessee

Province:

* Country:

USA: UNITED STATES

* Zip / Postal Code:

37130

e. Organizational Unit:

Department Name:

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

Mr.

* First Name:

Chad

Middle Name:

* Last Name:

Gehrke

Suffix:

Title:

Airport Manager

Organizational Affiliation:

Murfreesboro Municipal Airport

* Telephone Number:

(615) 848-3254

Fax Number:

* Email:

cgehrke@murfreesborotn.gov

Application for Federal Assistance SF-424*** 9. Type of Applicant 1: Select Applicant Type:**

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:****11. Catalog of Federal Domestic Assistance Number:**

CFDA Title:

*** 12. Funding Opportunity Number:**

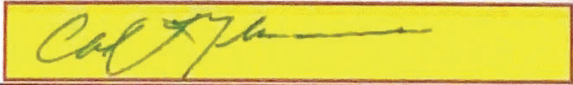
* Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):*** 15. Descriptive Title of Applicant's Project:**

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424	
16. Congressional Districts Of:	
* a. Applicant	4th
* b. Program/Project	4th
Attach an additional list of Program/Project Congressional Districts if needed.	
<div>Add Attachment Delete Attachment View Attachment</div>	
17. Proposed Project:	
* a. Start Date:	09/23/2021
* b. End Date:	12/31/2023
18. Estimated Funding (\$):	
* a. Federal	78,000.00
* b. Applicant	
* c. State	
* d. Local	
* e. Other	
* f. Program Income	
* g. TOTAL	78,000.00
<div><div>TDOT USE ONLY Staff Recommended: APPROVED Fiscal Year: 2022 Federal: \$78,000.00 State: \$0.00 Local: \$0.00 PSR Signature: _____ Date: 10/15/2021 TAC Signature: _____ Date: _____</div></div>	
* 19. Is Application Subject to Review By State Under Executive Order 12372 Process?	
<input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on _____	
<input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review.	
<input checked="" type="checkbox"/> c. Program is not covered by E.O. 12372.	
* 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)	
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If "Yes", provide explanation and attach	
<div>Add Attachment Delete Attachment View Attachment</div>	
21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)	
<input checked="" type="checkbox"/> ** I AGREE	
** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.	
Authorized Representative:	
Prefix:	Mr.
* First Name:	Chad
Middle Name:	
* Last Name:	Gehrke
Suffix:	
* Title:	Airport Manager
* Telephone Number:	(615) 848-3254
Fax Number:	
* Email:	cgehrke@murreesborotn.gov
* Signature of Authorized Representative:	
* Date Signed:	09/23/2021



February 22, 2021

Michelle Frazier, Director
TDOT Aeronautics Division
7335 Centennial Boulevard
Nashville, TN 37209

Re: Funding Assistance for Approach Management Mitigation – Design Amendment

Dear Ms. Frazier,

The City of Murfreesboro hereby requests financial assistance from the Tennessee Department of Transportation using our available NPE funds along with Cares Act Part 1 funding in the amount of **\$71,800.00** for improvements at the Murfreesboro Municipal Airport in Murfreesboro, TN. The requested improvements include:

- **Project Description** The project is to design the mitigation of obstruction to Runway 36. The threshold will be displaced 200 feet to clear obstructions and allow the city to devise a plan to remove obstruction in a developed neighborhood. The design will include remarking of the runway, seal coat and relocation of the PAPI and threshold lights. Included is an amendment for Quantum Spatial for additional services. We are requesting funds from our NPE balance.
- **Project Schedule** Please refer to page B-3 of the attached Barge Work Authorization for tentative schedule.

Thank you for your consideration of this request. If you have questions, please contact me at 615-848-3254.

Please find our application within Black Cat Grants system.

Sincerely,

Steve Waldron
Airport Commission Chairman

Cc: TAD Project Manager, Chuck Hoskins



REQUEST FOR STATE FUNDING
FOR AIRPORT IMPROVEMENT

Airport: Murfreesboro Municipal Airport
Project Title: Approach Management
Project Description: Approach Management

UPIN: BCG0003939
Submitted By: Chad Gehrke
Date Submitted: 2/28/2021 3:09:12PM
Project Manager: Chuck Hoskins

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

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

Explanation of Need: Data has been received from Quantum Spatial and reviewed. Design efforts are needed to mitigate the obstructions.

Estimated Cost:

Fiscal Year:	2021	
Federal:	\$71,800	100.0%
State:	\$0	0.0%
Local:	\$0	0.0%
Other:	\$0	0.0%
<hr/>		
Total:	\$71,800	100%

Matching Funds Available?: 0.00

Airport Sponsor Comments:

Data from Quantum Spatial was review by TAD Project Manager and Aviation Consultant and best mitigation efforts agreed upon.

TAD Comments:**TDOT USE ONLY****Staff Recommended:**

Approved:

Rejected:

Moved:

PSR Signature:

Michelle Frazier
Digitally signed by Michelle Frazier
DN: cn=Michelle Frazier, o=Tennessee
Department of Transportation, ou=Aviation,
email=Michelle.Frazier@dot.gov, c=US
Date: 2021.04.05 09:50:44 -05'00'

Date: 03/19/2021

TAC Signature:

X. J. Powers

Date: 04/01/2021



July 17, 2020

Ms. Michelle Frazier, Director
Tennessee Department of Transportation
Division of Aeronautics
7335 Centennial Boulevard
Nashville, TN 37209

RE: Grant Amendment Request – Approach Management Grant
TAD Project Number: 75-555-0161-20
TAD Contract Number: AERO-20-276-00
Federal Grant Number: 3-47-SBGP-57
Federal Share: \$19,900, State Share: \$1,100, City Share: \$1,100 Total: \$22,200

Dear Director:

The City of Murfreesboro is requesting a Grant Amendment to the Approach Management Grant listed above as recommended by the Tennessee Aeronautics staff. This Amendment would allow for the City of Murfreesboro the opportunity to utilize Care Act Part 1 funding in the amount of \$1,100.00 covering the local share of the Grant.

As policies and regulations evolve as we make our way through this pandemic and its economic impact, we greatly appreciate you and your staff's vigilance during these very challenging times. Please feel free to call me or Mr. Chad Gehrke if there is any additional information required.

Respectfully,

Steve Waldron
Airport Commission Chair
Murfreesboro Municipal Airport



April 16, 2020

Ms. Michelle Frazier, Director
Tennessee Department of Transportation
Division of Aeronautics
7335 Centennial Blvd.
Nashville, TN 37209

RE: Request for a Federal NPE Grant- Approach Management Survey (Phase 1)

Dear Director:

The City of Murfreesboro hereby requests a Federal Grant using NPE funds to conduct aerial and ground based surveys of the trees and foliage under the Approach Surfaces associated with Runway 36 at the Murfreesboro Municipal Airport.

Federal NPE Funds	\$19,980
State Share	\$ 1,110
Local Share	<u>\$ 1,110</u>
TOTAL	\$22,200

The purpose of this Approach Management Survey is to be able to gather the necessary data to identify trees that are currently penetrating the various Approach Surfaces or will be in the next few years. This is the first phase in a multi-phase project. Phase 2 will include the development of a mitigation plan, determination of an appropriate level of environmental study, preparation of bid documents, and collection of bids. Phase 3 will be the actual award of contract and completion of the mitigation program.

The area under Runway 36 is a very complex, wooded urban area with multiple landowners, multiple land uses and zoning, and is located in a very visible area of the community. We have worked with our Project Manager Chuck Hoskins in the preparation of this project including it in our CIP in the Black Cat Grant Management System.

The Murfreesboro Municipal Airport has the local share available. We look forward to completing this project in a timely manner. Thank you for your review of this request and please feel free to call me if you have any questions or require any additional information.

Sincerely,

Steve Waldron
Airport Commission Chair



REQUEST FOR STATE FUNDING
FOR AIRPORT IMPROVEMENT

Airport: Murfreesboro Municipal Airport
Project Title: Approach Management
Project Description: Approach Management

UPIN: BCG0003939
Submitted By: Chad Gehrke
Date Submitted: 4/16/2020 6:34:45PM
Project Manager: Chuck Hoskins

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

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

Explanation of Need: Need for proactive, efficient, and effective planning to manage approach into Runway 36 for the safe and efficient operation of aircraft. This starts with a comprehensive land and air based survey.

Estimated Cost:

Fiscal Year:	2,021	
Federal:	\$19,980	90.0%
State:	\$1,110	5.0%
Local:	\$1,110	5.0%
Other:	\$0	0.0%

Total:	\$22,200	100%
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Matching Funds Available?: 1,110.00

Airport Sponsor Comments:

Approach Management Plan would provide a program to effectively manage the land and trees under the approach which is a complex urban wooded area with multiple zoning, multiple type dwellings, and very visible in the community.

TAD Comments:

TDOT USE ONLY

Staff Recommended:

Approved:

Rejected:

Moved:

PSR Signature:  Date: 5/8/2020

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-64
Federal award date	7/13/2021
CFDA number and name	20.106 Airport Improvement Program
Grant contract's begin date	5/8/2020
Grant contract's end date	5/7/2023
Amount of federal funds obligated by this grant contract	\$7,800
Total amount of Federal Funds Obligated to the subrecipient (Federal dollars deposited in Sponsor's account in current FY (7/21-6/22) from ALL agencies) MUST be UPDATED every 6 months and uploaded into BlackCat Documents	
Total amount of the federal award to the pass-through entity (Grantor State Agency)	\$14,663,946
Name of federal awarding agency	Federal Aviation Administration
Name and contact information for the federal awarding official	TN Department of Transportation Aeronautics Division 7335 Centennial Boulevard Nashville, TN 37209 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 is a required document the (Highlighted Box) must be completed by the sponsor and returned with signed grant for execution.

This Worksheet will need to be updated every six (6) months for the length of this project and uploaded into BlackCat in the Documents Tab under project 75-555-0161-20.

Any questions please contact your Program Monitor at 615-741-3208.

ATTACHMENT TWO

PAGE TWO

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-59
Federal award date	5/29/2020
CFDA number and name	20.106 Airport Improvement Program
Grant contract's begin date	5/8/2020
Grant contract's end date	5/7/2023
Amount of federal funds obligated by this grant contract	\$144,220
Total amount of Federal Funds Obligated to the subrecipient (Federal dollars deposited in Sponsor's account in current FY (7/21-6/22) from ALL agencies) MUST be UPDATED every 6 months and uploaded into BlackCat Documents	
Total amount of the federal award to the pass-through entity (Grantor State Agency)	\$19,191,159
Name of federal awarding agency	Federal Aviation Administration
Name and contact information for the federal awarding official	TN Department of Transportation Aeronautics Division 7335 Centennial Boulevard Nashville, TN 37209 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 is a required document the (Highlighted Box) must be completed by the sponsor and returned with signed grant for execution.

This Worksheet will need to be updated every six (6) months for the length of this project and uploaded into BlackCat in the Documents Tab under project 75-555-0161-20.

Any questions please contact your Program Monitor at 615-741-3208.

ATTACHMENT TWO

PAGE THREE

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-57
Federal award date	Grant Award Date
CFDA number and name	20.106 Airport Improvement Program
Grant contract's begin date	5/8/2020
Grant contract's end date	5/7/2023
Amount of federal funds obligated by this grant contract	\$19,980
Total amount of Federal Funds Obligated to the subrecipient (Federal dollars deposited in Sponsor's account in current FY (7/21-6/22) from ALL agencies) MUST be UPDATED every 6 months and uploaded into BlackCat Documents	
Total amount of the federal award to the pass-through entity (Grantor State Agency)	\$13,982,472
Name of federal awarding agency	Federal Aviation Administration
Name and contact information for the federal awarding official	TN Department of Transportation Aeronautics Division 7335 Centennial Boulevard Nashville, TN 37209 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 is a required document the (Highlighted Box) must be completed by the sponsor and returned with signed grant for execution.

This Worksheet will need to be updated every six (6) months for the length of this project and uploaded into BlackCat in the Documents Tab under project 75-555-0161-20.

Any questions please contact your Program Monitor at 615-741-3208.

ATTACHMENT THREE

PAGE ONE

GRANT BUDGET				
City of Murfreesboro: Approach Management			AERO-20-276-03	
The Grant Budget line-item amounts below shall be applicable only to expense incurred during the following Applicable Period: BEGIN: 5/8/2020				

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.state.tn.us/finance/act/documents/policy3.pdf>).

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

ATTACHMENT THREE

PAGE TWO

GRANT BUDGET LINE-ITEM DETAIL:

PROFESSIONAL FEE, GRANT & AWARD	AMOUNT
Approach Management	\$172,000.00
TOTAL	\$172,000.00

Matched TAD Project # 75-555-0161-20
Project Breakdown:

TX00280437	\$ 19,980.00	90% Federal 57 (NPE)
	\$ 1,110.00	5% State
	<u>\$ 1,110.00</u>	5% Local
	\$ 22,200.00	
Amendment 1:		
TX00280436	\$ 2,220.00	Federal 59 (CARES 1)
	-\$ 1,110.00	State
	<u>-\$ 1,110.00</u>	Local
	\$ 0.00	
Amendment 2:		
TX00280436	\$ 7,180.00	100% Federal 59 (CARES 1)
TX00287221	\$ 64,620.00	100% Federal 59 (NPE)
Amendment 3:		
TX00	\$ 7,800.00	100% Federal 64
TX00287221	<u>\$ 70,200.00</u>	100% Federal 59 (NPE)
Grant Total:	\$172,000.00	

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@murfreesboro.tn.gov

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

COUNCIL COMMUNICATION

Meeting Date: 12/02/2021

Item Title: Sewer Allocation Variance- Agripark Drive – Clover Senior Living

Department: Planning

Presented by: Greg McKnight, 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

A proposed development request for additional density above the sewer allocation ordinance's zoning allowance.

Staff Recommendation

Council consideration of this variance request for an increase above the permitted single-family unit equivalent density (sfu) of 9 sfu's by approximately 9 additional sfu's for a total density of 18.9 sfu's.

Background Information

A rezoning application has been submitted to the Planning Department for the development of a proposed senior living multi-family residential complex located along the east side of Agripark Drive north of Old Fort Parkway. The property is currently zoned Commercial Highway (CH), which per the ordinance only allows 2.5 sfu's/acre. However, the proposed rezoning for a multi-family development zoned PRD would allow 9 sfu's/acre, if approved. The proposed development includes 119 dwelling units on 6.3 acres for a density of 18.9 dwelling units (or sfu's) per acre. According to the Murfreesboro Water Resources Department (MWRD), the sanitary sewer collection system can convey the estimated sewer flows resulting from this development and its request to vary from the density requirements associated with the proposed land use zoning as defined in City Code Chapter 33 Article V. – Sewer Capacity Allocation.

Council Priorities Served

Improve Economic Development

This property has remained undeveloped under its current CH zoning. This variance, coupled with the proposed rezoning, will enable this property to be developed in order to create jobs for the community and generate tax revenues for the City. In addition, the proposed development will provide an additional housing option for senior citizens.

Concurrence

MWRD indicates that there is sufficient capacity to serve the proposed development.

Fiscal Impact

The development will generate commercial tax rate revenue as well as pay one-time development fees.

Attachments

1. Request Letter and Exhibits from Applicant
2. Memo from MWRD

September 2, 2021

Mr. Greg McKnight, Planning Director
City of Murfreesboro
111 W. Vine Street
Murfreesboro, TN 37130
Email: gmcknight@murfreesborotn.gov

Re: Sewer Allocation Variance Request
Clover Agripark Drive Senior Living
Murfreesboro, TN

Dear Mr. McKnight:

Huddleston-Steele Engineering, Inc., hereby requests a variance from the City's Sewer Allocation Ordinance for Clover Agripark Drive Senior Living, an age-restricted multi-family development proposed on the east side of Agripark Drive on Murfreesboro, Tennessee (see Figure 1, Location Map). We are preparing a Planned Residential Development (PRD) rezoning request for this project on this land that currently is zoned Commercial Highway.

This request for a variance from the City's Sewer Allocation Ordinance is justifiable for two reasons. Number one, there is a definite need in the City of Murfreesboro for senior-targeted development. This proposed age-restricted multi-family development addresses that need.

Number two, the residents of this development will generate much less sewage than is typical from residents in a regular multi-family development. The developers of this proposed project have developed numerous projects similar to this one. The Appendix of this letter shows historical water usage data for uses similar to this proposed development.

We are proposing 119 units or 6.3 acres. This corresponds to a proposed density 18.9 units per acre. The City's Sewer Allocation Ordinance allows for 9 units per acre for typical multi-family developments. The 9 units per acre for the 6.3 acres would result in 57 units. These 57 units would generate 260 gallons per day per unit for a total of 14,820 gallons per day for the 57 units given the city's expected sewage flow from a single-family unit.

But the water usage data for these types of developments provided by the developer shows that approximately 60 gallons per day per unit was more typical of units in these types of developments. So for the 119 units proposed at 60 gallons per day per unit results in a total of 7,140 gallons per day, which is much less than the 14,820 total gallons per day for the 57 units allowed for 9 units per acre.

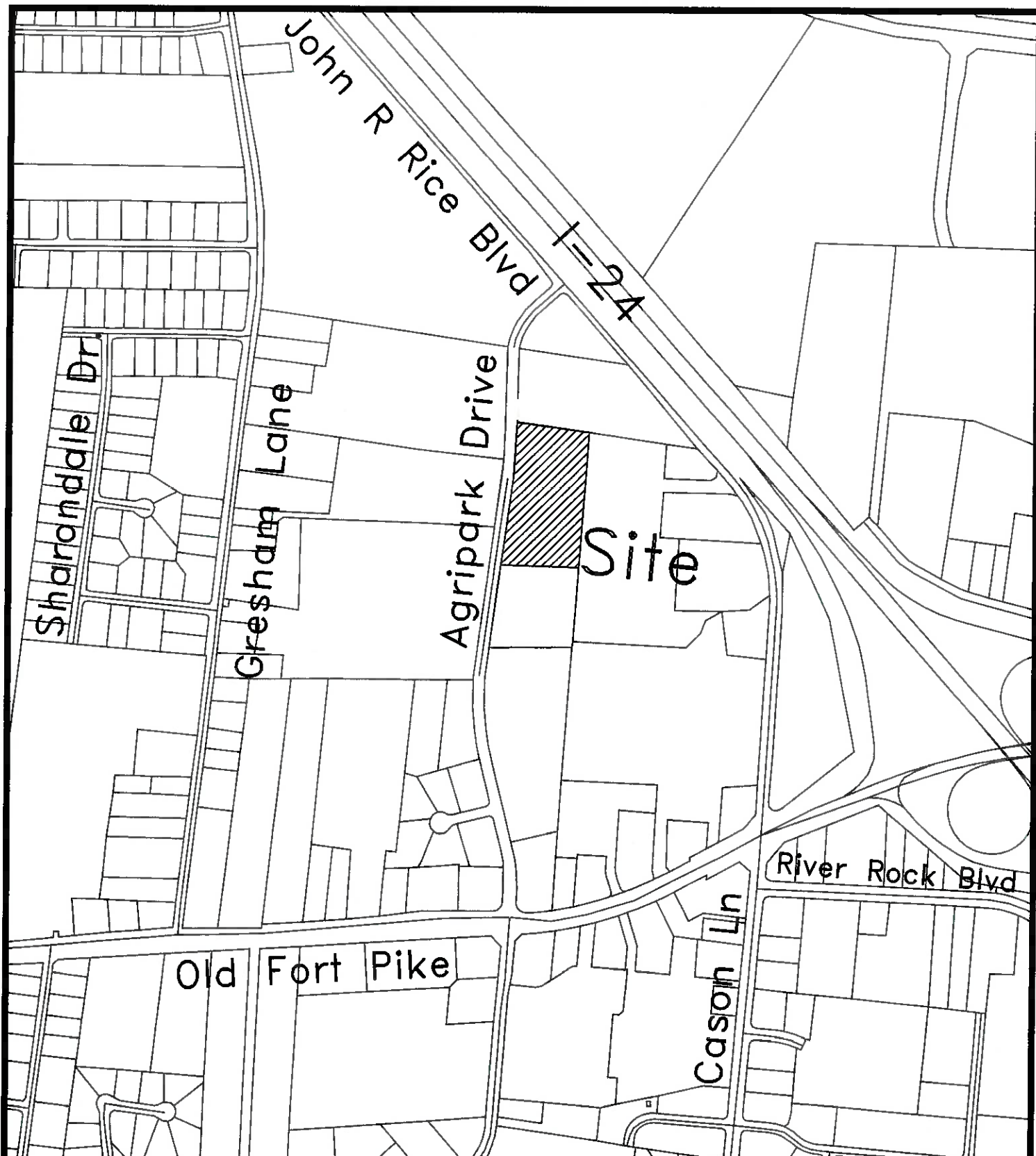
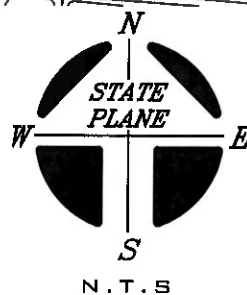


FIGURE 1
LOCATION MAP



It is worthy to note that the single family sewer allocation of 3 units per acre for the 6.3 acres would be 19 single family units. At 260 gallons per day per unit, these 19 single family units would generate 4,940 total gallons per day. This is not much less than the 7,140 total gallons per day that would be generated by the 119 units proposed for this development since these units only generate 60 gallons per day per unit.

Because this proposed age-restricted multi-family development addresses a City need for more senior-targeted housing, and because the sewage generated by the residents in this proposed development would not be any greater than that of a typical 9 units per acre multi-family development or much greater than a 3 unit per acre single-family development, a variance from the City's Sewer Allocation Ordinance for this proposed development is justified.

Sincerely,

HUDDLESTON-STEELE ENGINEERING, INC.

A handwritten signature in blue ink, appearing to read "William H. Huddleston IV".

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

Copy: Ms. Valerie Smith
Murfreesboro Water Resources Department
vsmith@murfreesborotn.gov

Mr. Christopher Wade
Braemar Partners
cwade@braemarpartners.com



... creating a better quality of life

MEMORANDUM

DATE: October 18, 2021

TO: Greg McKnight

FROM: Darren Gore/Valerie Smith

SUBJECT: Clover Senior Living
Agripark Drive
Map 92, Parcels 33.01
Sewer Allocation Ordinance
Variance Request

Sewer System Capacity

The sanitary sewer collection system can convey the estimated sewer flows resulting from this development and its request to vary from the density requirements associated with its current land use zoning as defined in City Code Chapter 33 Article V. – Sewer Capacity Allocation.

Effects within Basin by Providing Variance to Sewer Allocation

The above property is within sewer flow basin MF 06A. There are no capacity concerns within the basin that have been identified. This project will flow into an 8" sewer main along Agripark Drive and ultimately through a 10" sewer main under I-24, which has adequate capacity.

Per the most recent sewer allocation report for the collection system, Basin 06A currently has capacity for 3,085 connections. By committing sewer service to this development, staff is determining that basin 06A's sewer connection capacity will be reduced by 119 connections, resulting in 2,966 available connections for future developments. A new connection is defined as an apartment, townhome, single-family home, commercial establishment, food service establishment or retail shop. A larger more in-depth study of this isolated mini-basin north of Hwy 96 and west of I-24 is anticipated to determine the number of remaining connections if all remaining developable property is built-out per their current respective land-use/zoning.

The existing zoning for the property is Commercial Highway (CH) and per the Ordinance is allotted 2.5 sfu's/acre. The Clover Senior Living development is counted as 119 single-family units which equates to a density of 18.9 sfu's/acre (119 units/6.3 acres). This density is greater than the sewer allocation ordinance affords multifamily zoning, which sets a maximum density of 9 units per acre.

Water Resources Department

300 NW Broad Street * P.O. Box 1477 * Murfreesboro, TN 37133-1477 * Office: 615 890 0862 * Fax: 615 896 4259
TTY 615 848 3214 * www.murfreesborotn.gov

Huddleston Steele's variance request asserts a 60 gallon per day usage per unit. Their information is not consistent with the Department's consistent application of 260 gallons per day usage of a single-family unit equivalent, as defined by City Code, nor is their assertion consistent with the Department's 2020 sewer allocation report. The 2020 sewer allocation report factors in wet weather infiltration/inflow into the sanitary sewer system. When applying the average number of connections in MWRD's system to the wet weather flows witnessed within the various basins, each connection contributes approximately 500 gallons per day. A connection is defined as an apartment complex, which these units would qualify as an equivalent.

The current request is more than double the multifamily maximum density allowed per the sewer allocation ordinance. Water Resources staff advises variance requests to be diligently considered to ensure the benefit to the City is commensurate with the sewer capacity committed to any proposed development requesting a variance to the sewer allocation ordinance.

COUNCIL COMMUNICATION

Meeting Date: 12/02/2021

Item Title: Asphalt and Concrete Purchase Report

Department: Street

Presented by: Raymond Hillis

Requested Council Action:

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

Summary

Report of asphalt and concrete purchases.

Background Information

Purchases of asphalt and concrete are made throughout the month and reported with Street Department construction projects. The attached report is provided pursuant to City Code, § 2-10(E)(7) in compliance with this reporting requirement.

Pursuant to the Code, a purchase of perishable commodities made on the open market does not require public advertisement and competitive bids if a record is made by the person authorizing the purchase which specifies the amount paid, the items purchased and from whom the purchase was made in accordance with T.C.A. §6-56-304(7).

Council Priorities Served

Responsible budgeting

Proper procurement ensures best cost savings to the Department and our customers.

Maintain public safety

Maintaining the functionality and safe drivability of roadways focuses on public safety and customer service.

Fiscal Impacts

Asphalt purchases, \$65,000, and concrete purchases, \$35,000, are funded by the Department's FY22 Budget.

Attachments

Asphalt and Concrete Purchases Report

STREET DEPARTMENT ASPHALT PURCHASES FY 22

Invoice Date	Vendor	Type	Rate	Tons	Total	FY Total
7/9/2021	Hawkins	411-E/64-22 Asphalt Mix	\$ 66.50	7.80	\$ 518.70	\$ 518.70

Invoice Date	Vendor	Type	Rate	Tons	Total	FY Total
7/7/2021	Blue Water	E Mix 64-22	\$ 68.50	2.64	\$ 180.84	\$ 180.84
7/28/2021	Blue Water	E Mix 64-22	\$ 68.50	8.11	\$ 555.54	\$ 736.38
7/29/2021	Blue Water	E Mix 64-22	\$ 68.50	9.14	\$ 626.09	\$ 1,362.47
7/30/2021	Blue Water	E Mix 64-22	\$ 68.50	2.40	\$ 164.40	\$ 1,526.87
7/31/2021	Blue Water	E Mix 64-22	\$ 68.50	2.48	\$ 169.88	\$ 1,696.75
8/9/2021	Blue Water	BM Mix 64-22 RP	\$ 57.50	18.66	\$ 1,072.95	\$ 2,769.70
8/26/2021	Blue Water	E Mix 64-22	\$ 68.50	5.11	\$ 350.04	\$ 3,119.74
8/31/2021	Blue Water	E Mix 64-22	\$ 68.50	2.06	\$ 141.11	\$ 3,260.85
9/7/2021	Blue Water	E Mix 64-22	\$ 68.50	2.28	\$ 156.18	\$ 3,417.03
9/7/2021	Blue Water	E Mix 64-22	\$ 68.50	2.49	\$ 170.57	\$ 3,587.60
9/7/2021	Blue Water	E Mix 64-22	\$ 57.50	16.81	\$ 966.58	\$ 4,554.18
9/7/2021	Blue Water	E Mix 64-22	\$ 68.50	18.29	\$ 1,252.87	\$ 5,807.05
9/7/2021	Blue Water	BM Mix 64-22 RP	\$ 57.50	12.56	\$ 722.20	\$ 6,529.25
9/14/2021	Blue Water	E Mix 64-22	\$ 68.50	18.47	\$ 1,265.20	\$ 7,794.45
9/14/2021	Blue Water	E Mix 64-22	\$ 68.50	4.09	\$ 280.17	\$ 8,074.61
9/14/2021	Blue Water	E Mix 64-22	\$ 68.50	18.24	\$ 1,249.44	\$ 9,324.05
9/14/2021	Blue Water	E Mix 64-22	\$ 68.50	15.31	\$ 1,048.74	\$ 10,372.79
9/15/2021	Blue Water	E Mix 64-22	\$ 68.50	10.25	\$ 702.13	\$ 11,074.92
9/15/2021	Blue Water	E Mix 64-22	\$ 68.50	2.59	\$ 177.42	\$ 11,252.34
9/17/2021	Blue Water	E Mix 64-22	\$ 68.50	15.20	\$ 1,041.20	\$ 12,293.54
9/20/2021	Blue Water	E Mix 64-22	\$ 68.50	9.24	\$ 632.94	\$ 12,926.48
9/22/2021	Blue Water	E Mix 64-22	\$ 68.50	2.04	\$ 139.74	\$ 13,066.22
9/22/2021	Blue Water	E Mix 64-22	\$ 68.50	2.34	\$ 160.29	\$ 13,226.51
9/27/2021	Blue Water	E Mix 64-22	\$ 68.50	2.59	\$ 177.42	\$ 13,403.93
9/30/2021	Blue Water	E Mix 64-22	\$ 68.50	2.38	\$ 163.03	\$ 13,566.96
10/11/2021	Blue Water	E Mix 64-22	\$ 68.50	3.18	\$ 217.83	\$ 13,784.79
10/13/2021	Blue Water	E Mix 64-22	\$ 68.50	2.36	\$ 161.66	\$ 13,946.45
10/18/2021	Blue Water	E Mix 64-22	\$ 68.50	2.06	\$ 141.11	\$ 14,087.56
10/18/2021	Blue Water	E Mix 64-22	\$ 68.50	2.42	\$ 165.77	\$ 14,253.33
10/19/2021	Blue Water	E Mix 64-22	\$ 68.50	2.12	\$ 145.22	\$ 14,398.55
10/27/2021	Blue Water	E Mix 64-22	\$ 68.50	14.75	\$ 1,010.38	\$ 15,408.93
11/2/2021	Blue Water	BM Mix 64-22 RP	\$ 57.50	2.16	\$ 124.20	\$ 15,533.13
11/2/2021	Blue Water	BM Mix 64-22 RP	\$ 57.50	3.22	\$ 185.15	\$ 15,718.28
11/2/2021	Blue Water	E Mix 64-22	\$ 68.50	3.45	\$ 236.33	\$ 15,954.61
11/3/2021	Blue Water	E Mix 64-22	\$ 68.50	2.39	\$ 163.72	\$ 16,118.33
11/4/2021	Blue Water	E Mix 64-22	\$ 68.50	2.26	\$ 154.81	\$ 16,273.14
11/5/2021	Blue Water	E Mix 64-22	\$ 68.50	2.19	\$ 150.02	\$ 16,423.16
11/8/2021	Blue Water	E Mix 64-22	\$ 68.50	2.04	\$ 139.74	\$ 16,562.90
11/8/2021	Blue Water	E Mix 64-22	\$ 68.50	17.93	\$ 1,228.21	\$ 17,791.11
11/9/2021	Blue Water	E Mix 64-22	\$ 68.50	2.42	\$ 165.77	\$ 17,956.88
11/9/2021	Blue Water	E Mix 64-22	\$ 68.50	8.11	\$ 555.54	\$ 18,512.42
11/10/2021	Blue Water	E Mix 64-22	\$ 68.50	2.23	\$ 152.76	\$ 18,665.18
11/11/2021	Blue Water	E Mix 64-22	\$ 68.50	2.13	\$ 145.91	\$ 18,811.09
11/11/2021	Blue Water	E Mix 64-22	\$ 68.50	11.05	\$ 756.93	\$ 19,568.02
11/16/2021	Blue Water	E Mix 64-22	\$ 68.50	18.50	\$ 1,267.25	\$ 20,835.27

Invoice Date	Vendor	Type	Rate	Tons	Total	FY Total
7/7/2021	Vulcan	411E PG 64-22	\$ 80.85	2.20	\$ 177.87	\$ 177.87
7/15/2021	Vulcan	307BM PG 64-22	\$ 69.89	20.40	\$ 1,425.76	\$ 1,603.63
7/15/2021	Vulcan	307BM PG 64-22	\$ 69.89	18.20	\$ 1,272.00	\$ 2,875.63
8/6/2021	Vulcan	411E PG 64-22	\$ 81.02	8.82	\$ 714.60	\$ 3,590.23
8/24/2021	Vulcan	307BM PG 64-22	\$ 70.01	13.04	\$ 912.93	\$ 4,503.16
9/8/2021	Vulcan	307BM PG 64-22	\$ 69.98	18.39	\$ 1,286.94	\$ 5,790.10
9/9/2021	Vulcan	307BM PG 64-22	\$ 69.98	18.24	\$ 1,276.44	\$ 7,066.54
9/28/2021	Vulcan	307BM PG 64-22	\$ 69.98	18.23	\$ 1,275.74	\$ 8,342.28
9/28/2021	Vulcan	307BM PG 64-22	\$ 69.98	9.36	\$ 655.01	\$ 8,997.29
9/29/2021	Vulcan	411E PG 64-22	\$ 80.97	10.44	\$ 845.33	\$ 9,842.62
9/29/2021	Vulcan	411E PG 64-22	\$ 80.97	10.25	\$ 829.94	\$ 10,672.56
9/29/2021	Vulcan	411E PG 64-22	\$ 80.97	12.45	\$ 1,008.08	\$ 11,680.63
10/4/2021	Vulcan	307BM PG 64-22	\$ 69.89	10.77	\$ 752.72	\$ 12,433.35
10/4/2021	Vulcan	411E PG 64-22	\$ 80.85	18.70	\$ 1,511.89	\$ 13,945.24

STREET DEPARTMENT CONCRETE PURCHASES FY 22

Invoice Date	Vendor	Type	Rate	Yards	Surcharge	Total	FY Total
7/2/2021	Nashville Ready Mix	3500 CF5	\$ 107.00	2		\$ 214.00	\$ 214.00
7/2/2021	Nashville Ready Mix	3500 CF5	\$ 107.00	2.5		\$ 267.50	\$ 481.50
7/13/2021	Nashville Ready Mix	3413 CF5	\$ 107.00	2		\$ 214.00	\$ 695.50
7/14/2021	Nashville Ready Mix	3413 CF5	\$ 107.00	3		\$ 321.00	\$ 1,016.50
7/15/2021	Nashville Ready Mix	3413 CF5	\$ 107.00	2		\$ 214.00	\$ 1,230.50
7/16/2021	Nashville Ready Mix	3413 CF5	\$ 107.00	2.5		\$ 267.50	\$ 1,498.00
7/29/2021	Nashville Ready Mix	3413 CF5	\$ 107.00	1.5		\$ 160.50	\$ 1,658.50
7/30/2021	Nashville Ready Mix	3413 CF5	\$ 107.00	1.5		\$ 160.50	\$ 1,819.00
8/3/2021	Nashville Ready Mix	3413 CF5	\$ 107.00	1.5		\$ 160.50	\$ 1,979.50
8/4/2021	Nashville Ready Mix	3413 CF5	\$ 107.00	2.5		\$ 267.50	\$ 2,247.00
8/10/2021	Nashville Ready Mix	3413 CF5	\$ 107.00	1.5		\$ 160.50	\$ 2,407.50
8/11/2021	Nashville Ready Mix	3413 CF5	\$ 105.00	2.5		\$ 262.50	\$ 2,670.00
8/13/2021	Nashville Ready Mix	3413 CF5	\$ 107.00	2.5		\$ 267.50	\$ 2,937.50
8/17/2021	Nashville Ready Mix	3413 CF5	\$ 107.00	3		\$ 321.00	\$ 3,258.50
8/18/2021	Nashville Ready Mix	3413 CF5	\$ 107.00	2		\$ 214.00	\$ 3,472.50
8/20/2021	Nashville Ready Mix	3413 CF5	\$ 107.00	3		\$ 321.00	\$ 3,793.50
8/23/2021	Nashville Ready Mix	3413 CF5	\$ 107.00	1.5		\$ 160.50	\$ 3,954.00
8/27/2021	Nashville Ready Mix	3413 CF5	\$ 107.00	1		\$ 107.00	\$ 4,061.00
9/3/2021	Nashville Ready Mix	3413 CF5	\$ 107.00	1.5		\$ 160.50	\$ 4,221.50
9/3/2021	Nashville Ready Mix	fuel surcharge	\$ 20.00			\$ 20.00	\$ 4,241.50
9/23/2021	Nashville Ready Mix	3413 CF5	\$ 107.00	2.5		\$ 267.50	\$ 4,509.00
10/7/2021	Nashville Ready Mix	3500 CF5	\$ 107.00	1		\$ 107.00	\$ 4,616.00
10/11/2021	Nashville Ready Mix	3413 CF5	\$ 107.00	6		\$ 642.00	\$ 5,258.00
10/13/2021	Nashville Ready Mix	3413 CF5	\$ 107.00	1.5		\$ 160.50	\$ 5,418.50
10/19/2021	Nashville Ready Mix	3413 CF5	\$ 102.00	2.5		\$ 255.00	\$ 5,673.50
10/21/2021	Nashville Ready Mix	3413 CF5	\$ 105.00	2		\$ 210.00	\$ 5,883.50

Invoice Date	Vendor	Type	Rate	Yards	Surcharge	Total	FY Total
7/6/2021	Orgain Ready Mix	Flowable fill	\$ 102.00	2		\$ 204.00	\$ 204.00
8/2/2021	Orgain Ready Mix	3500 PSI Conc. 1/2 aggregate	\$ 112.00	4		\$ 448.00	\$ 652.00
8/9/2021	Orgain Ready Mix	3500 PSI Conc. 1/2 aggregate	\$ 112.00	5		\$ 560.00	\$ 1,212.00
8/26/2021	Orgain Ready Mix	3500 PSI Conc. 1/2 aggregate	\$ 112.00	2.5		\$ 280.00	\$ 1,492.00

Invoice Date	Vendor	Type	Rate	Yards	Surcharge	Total	FY Total
7/27/2021	Smyrna Ready Mix	3500 PSI Strt Chips Air	\$ 113.00	1.5		\$ 169.50	\$ 169.50
		Microfiber	\$ 6.00	0.75		\$ 4.50	\$ 174.00
							\$ 174.00

COUNCIL COMMUNICATION

Meeting Date: 12/02/2021

Item Title: Change Order Request for Salt Barn Roof Replacement

Department: Street Department

Presented by: Raymond Hillis

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

Change order request to reflect additional unforeseen cost for Salt Barn Roof Replacement project.

Staff Recommendation

Approve of Change Order Request No. 1 that will increase the total project cost by \$7706 from the original amount of \$164,000 as approved by Council in April of 2021.

Background Information

During the process of completion of the Salt Barn Roof Replacement project the contractors discovered several additional repairs and materials that must be replaced to maintain its structural integrity.

Council Priorities Served

Expand Infrastructure

Completion of this project will help ensure proper storage of our salt material that is used in urgent ice/snow weather situations common to our area during the winter months.

Fiscal Impact

Change order increases the project amount by \$7,706 to \$171,706. Funds are available in the FY21 CIP Budget to cover the increased costs.

Attachments

Quote from Stubblefield Construction for cost of additional material and labor

From: Chris Stubblefield <Chris@stubbconstruction.com>
Sent: Wednesday, November 3, 2021 4:07 PM
To: Ryan Maloney <RMaloney@griggsandmaloney.com>
Cc: Curtis Broadbent <CBroadbent@griggsandmaloney.com>
Subject: October billing and bolts

Attached is the October billing, schedule of values, and building invoice. Also, attached is the submittal for the acrylic elastomeric paint. Please let me know about the paint asap to avoid ordering delays.

I came up with the following on the bolt replacement change order:

88 new bolts, nuts, and washers in concrete with epoxy thru the base plate
106 new holes thru the base plate with new nuts and washers

Material = \$1706.00
Labor & Equipment(2-3 crew days) = \$6000.00

We are working on the project today.

CHRIS STUBBLEFIELD

Managing Member
Stubblefield Construction LLC
www.stubbconstruction.com
615-335-6104

COUNCIL COMMUNICATION

Meeting Date: 12/02/2021

Item Title: Main Street Banner Request

Department: Street Department

Presented by: Jami Coffelt

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

Request from Rutherford County Area Habitat for Humanity to hang a banner across East Main Street.

Staff Recommendation

Approve a banner to be displayed by Rutherford County Area Habitat for Humanity to promote the *Cookin' to Build* event from October 27th, 2022-November 7th, 2022.

Background Information

Rutherford County Area Habitat for Humanity has held the *Cookin' to Build* event for the past fourteen years. The event raises money to support their mission of eliminating poverty housing. The event is scheduled for November 5, 2022.

Council Priorities Served

Establish strong City brand

Banners over East Main Street communicates and engages our community in various activities thereby enhancing the City reputation as an active, involved community.

Fiscal Impact

None.

Attachments

Letter of request from Rutherford County Area Habitat for Humanity



November 16, 2021

City of Murfreesboro
Jami Coffelt
620 West Main Street
Murfreesboro, TN 37130

Dear Mayor and City Council,

My name is Megan Hutchings, and I am the Volunteer Coordinator for Rutherford County Habitat for Humanity. Each fall we have a special event called **Cookin' to Build**.

Cookin' to Build is held on the Murfreesboro Public Square and it showcases soup, stew, and chili recipes from local businesses, organizations, and individuals. There is an admission price, and it includes the choice of a hand painted bowl that you get to take home, endless samples of the various recipes, a drink, a dessert, and live entertainment. All the money raised from the event goes towards Habitat's mission of eliminating poverty housing. The 15th Annual Cookin' to Build is scheduled to take place on November 5, 2022.

I am writing this letter to seek your approval to put a banner over Main Street to advertise for Cookin' to Build. I have spoken with Jami Coffelt and she indicated that the dates of October 27th – November 7th, 2022 are available for the Cookin' to Build banner. Please consider approving this request.

Sincerely,

Megan L. Hutchings

COUNCIL COMMUNICATION

Meeting Date: 12/02/2021

Item Title: Zoning for property located along Franklin Road
[Second Reading]

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

Zoning of approximately 9.1 acres located along Franklin Road and Veterans Parkway.

Staff Recommendation

Enact the ordinance establishing the requested zoning.

The Planning Commission recommended approval of the zoning request.

Background Information

Harney Homes, LLC presented to the City a zoning application [2021-416] for 9.1 acres located along Franklin Road to be zoned CH (Commercial Highway District) and PRD (Planned Residential District) simultaneous with annexation. During its regular meeting on September 1, 2021, the Planning Commission conducted a public hearing on this matter and then voted to recommend its approval.

On November 18, 2021, Council held a public hearing and approved this matter on First Reading.

Council Priorities Served

Improve Economic Development

This rezoning will enable commercial development along the Veterans Parkway frontage, potentially generating sales tax revenues for the City and employment opportunities for the community.

Expand infrastructure

The proposed PRD zoning plan includes the construction of a public street network tying in to the signalized intersection at the entrance to Kroger on Veterans Parkway. The proposed public street network in this development will provide for connectivity to the west and allow for an alternative route around the intersection of Franklin Road and Veterans Parkway.

Attachments:

Ordinance 21-OZ-31

ORDINANCE 21-OZ-31 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 9.1 acres located along Franklin Road and Veterans Parkway as Highway Commercial (CH) District and Planned Residential Development (PRD) District (The Villas at Veterans PRD), simultaneous with annexation; Harney Homes, LLC, applicant(s) [2021-416].

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 Highway Commercial (CH) District and Planned Residential Development (PRD) 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:

1st reading _____
2nd reading _____

Shane McFarland, Mayor

ATTEST:

Jennifer Brown
City Recorder

APPROVED AS TO FORM:

DocuSigned by:
Adam F. Tucker

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Adam F. Tucker
City Attorney

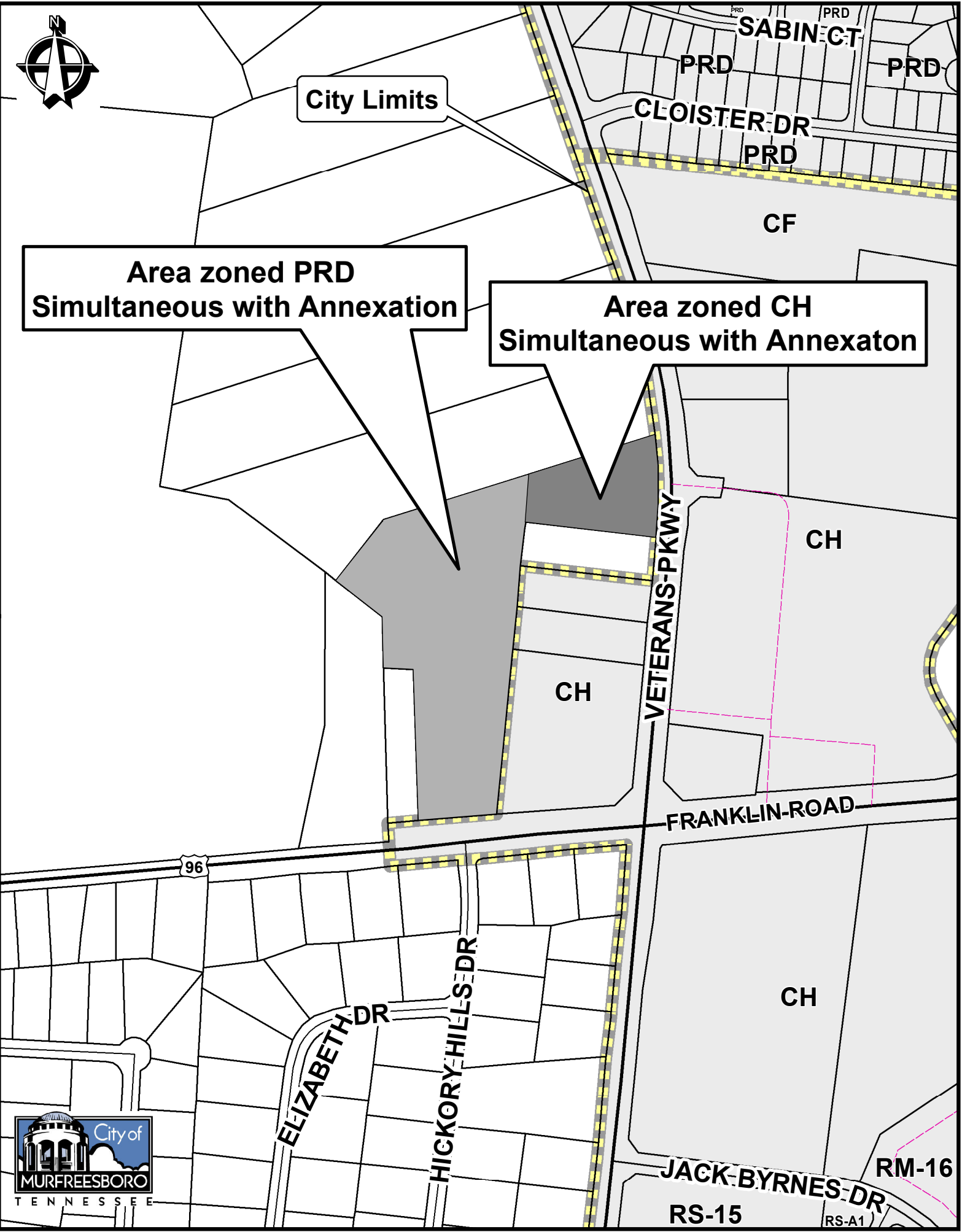
SEAL



City Limits

Area zoned PRD
Simultaneous with Annexation

Area zoned CH
Simultaneous with Annexation



COUNCIL COMMUNICATION

Meeting Date: 12/02/2021

Item Title: Amending the Shelton Square PRD zoning along Blackman Road
[Second Reading]

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

Amend the Shelton Square PRD zoning on approximately 242 acres located along Blackman Road.

Staff Recommendation

Enact the ordinance amending the zoning, as requested.

The Planning Commission recommended approval of the zoning amendment.

Background Information

Shelton Square, LLC presented a zoning application [2021-417] to amend the Shelton Square PRD (Planned Residential District) zoning on approximately 242 acres located along Blackman Road and Florence Road. During its regular meeting on September 1, 2021, the Planning Commission conducted a public hearing on this matter and then voted to recommend its approval.

On November 18, 2021, Council held a public hearing and approved this matter on First Reading.

Council Priorities Served

Improve Economic Development

This zoning amendment will enable the developers of Shelton Square, one of the most successful active subdivisions in the City, to adapt to market conditions by expanding its variety of housing types, so that the development can continue to flourish.

Attachments:

Ordinance 21-OZ-32

ORDINANCE 21-OZ-32 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 amend the conditions applicable to approximately 242 acres in the Planned Residential Development (PRD) District (Shelton Square PRD) located along Blackman Road as indicated on the attached map, Shelton Square, LLC, applicant(s) [2021-417].

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 modify the conditions of the Planned Residential Development (PRD) District, as indicated on the attached map, for the purpose of modifying the lot sizes without increasing the overall number of dwelling units and to modify the amenity package.

SECTION 2. That, from and after the effective date hereof, the area depicted on the attached map shall be subject to all the terms and provisions of said Ordinance applicable to such districts, the plans and specifications filed by the applicant, and any additional conditions and stipulations set forth in the minutes of the Planning Commission and City Council relating to this zoning request. 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:

1st reading _____

2nd reading _____

Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

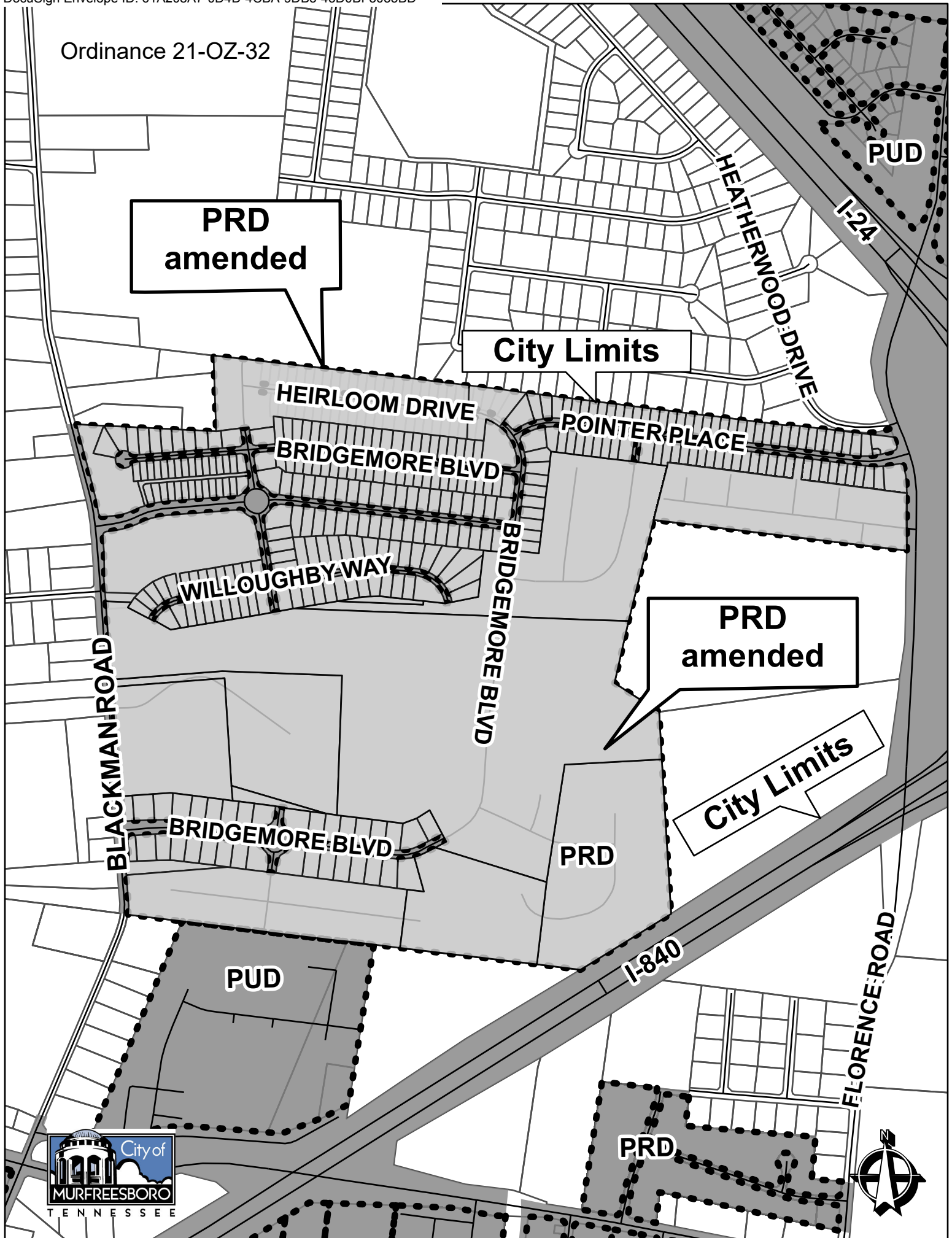
Jennifer Brown
City Recorder

DocuSigned by:
Adam F. Tucker

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Adam F. Tucker
City Attorney

SEAL

Ordinance 21-OZ-32



COUNCIL COMMUNICATION

Meeting Date: 12/02/2021

Item Title: Plan of Services, Annexation, and Zoning for property located north of Dejarnette 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 of approximately 15.6 acres and zoning of approximately 19.2 acres located north of Dejarnette Lane.

Staff Recommendation

Conduct a public hearing and approve the Plan of Services and the requested annexation.

Conduct a public hearing and enact the ordinance establishing the requested zoning.

The Planning Commission recommended approval of the plan of services, annexation, and the zoning request.

Background Information

Calvary Baptist Church has initiated a petition of annexation [2021-507] for approximately 15.6 acres located north of Dejarnette Lane. The City developed its plan of services for this area. Additionally, Providence Christian Academy presented to the City a zoning application [2021-420] for approximately 19.2 acres to be zoned PND (Planned Institutional District). During its regular meeting on October 13, 2021, the Planning Commission conducted public hearings on these matters and then voted to recommend their approval. The Planning Commission's motion regarding the zoning request contained several conditions, including revising the pattern book to include specifics on the timing of the traffic study and to include measures for noise abatement. A revised pattern book addressing the Planning Commission's conditions of approval has been included with the agenda materials.

Council Priorities Served

Establish Strong City Brand

Murfreesboro is known for its high-quality public and private schools. Building upon

that reputation, this rezoning will enable the continued expansion of an existing private school.

Attachments:

1. Resolution 21-R-PS-34
2. Resolution 21-R-A-34
3. Ordinance 21-OZ-34
4. Maps of the area
5. Planning Commission staff comments from 10/13/2021 meeting
6. Planning Commission minutes from 10/13/2021 meeting
7. Plan of services
8. Providence Christian Academy Athletic Facility PND pattern book
9. Other miscellaneous exhibits

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
OCTOBER 13, 2021
PROJECT PLANNER: HOLLY SMYTH**

4.b. Annexation petition and plan of services [2021-507] for approximately 15.59 acres located north of DeJarnette Lane, Calvary Baptist Church applicant.

Calvary Baptist Church, represented by SEC Engineering, has submitted a petition requesting its property be annexed into the City of Murfreesboro. The subject property is 15.59 acres and is located north of the existing Calvary Baptist Church facilities at 431 DeJarnette Lane. The property tax map number is: Tax Map 068, Parcel 133.06. The requested property is currently undeveloped. Walton Lane, in the Bradford Place Subdivision, currently stubs into the west side of the subject parcel.

Simultaneous with this application is a request to zone the southern approximately 9.46 acres of the property to Planned Institutional District (PND) simultaneous with annexation. The remaining 6.13 acres, which is currently zoned RM (Medium Density Residential) in the unincorporated County, will come into the City with an interim RS-15 (Single-family Residential District 15) zoning classification, as there is no zoning request for it simultaneous with annexation. The study area is located within the City of Murfreesboro's Urban Growth Boundary and is contiguous with the City limits along the north, west, and south property lines.

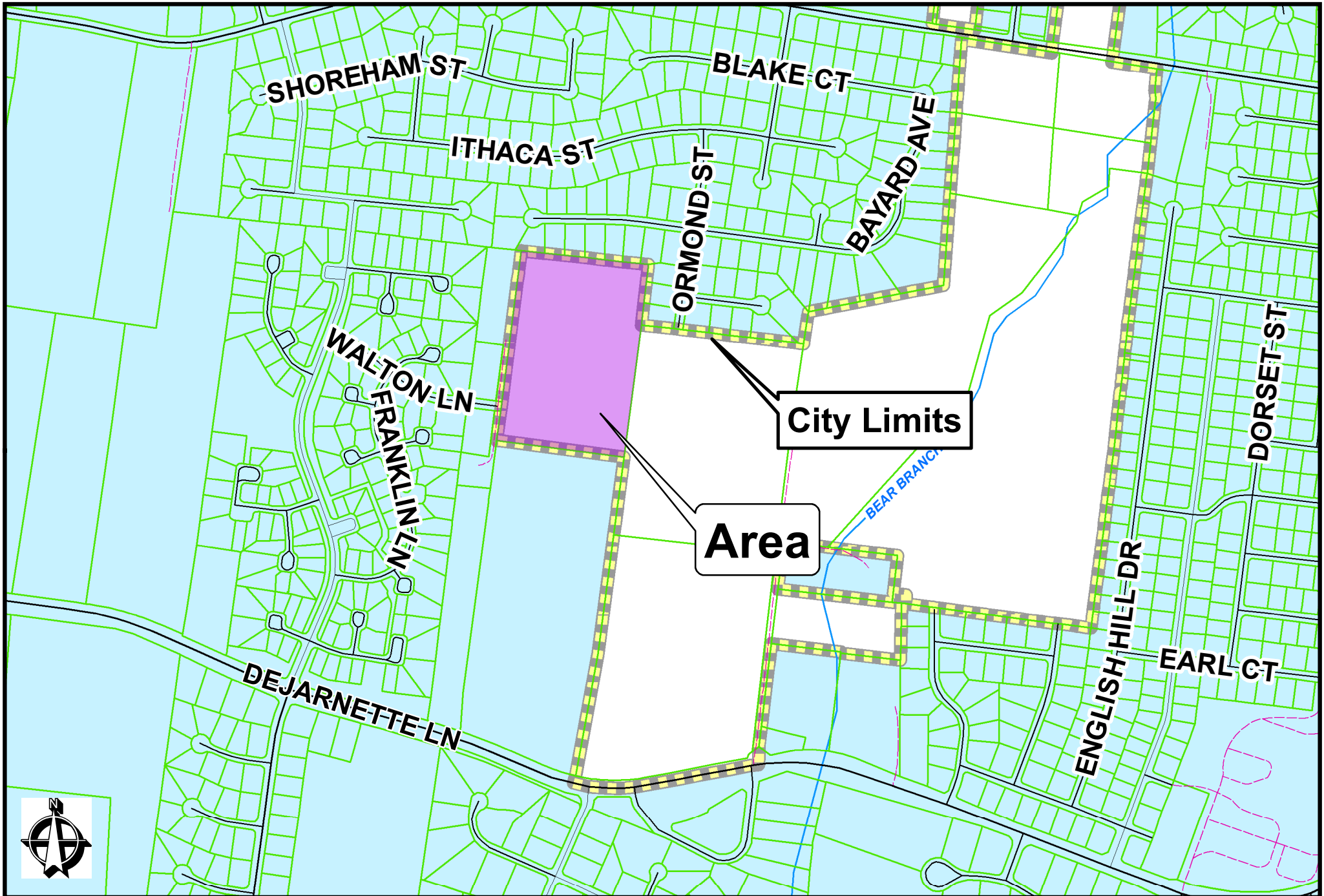
Staff has prepared a Plan of Services for the proposed annexation, which is attached to this report for the public hearing. It demonstrates how services can be provided to the subject property upon annexation. No significant difficulties in providing services are identified in the plan of services.

Action Needed:

The applicant will be available at the Planning Commission meeting to discuss this proposed annexation petition and plan of services. The Planning Commission will need to conduct a public hearing, after which it will need to discuss this matter and then formulate a recommendation to City Council.

Attachments:

Plan of Services

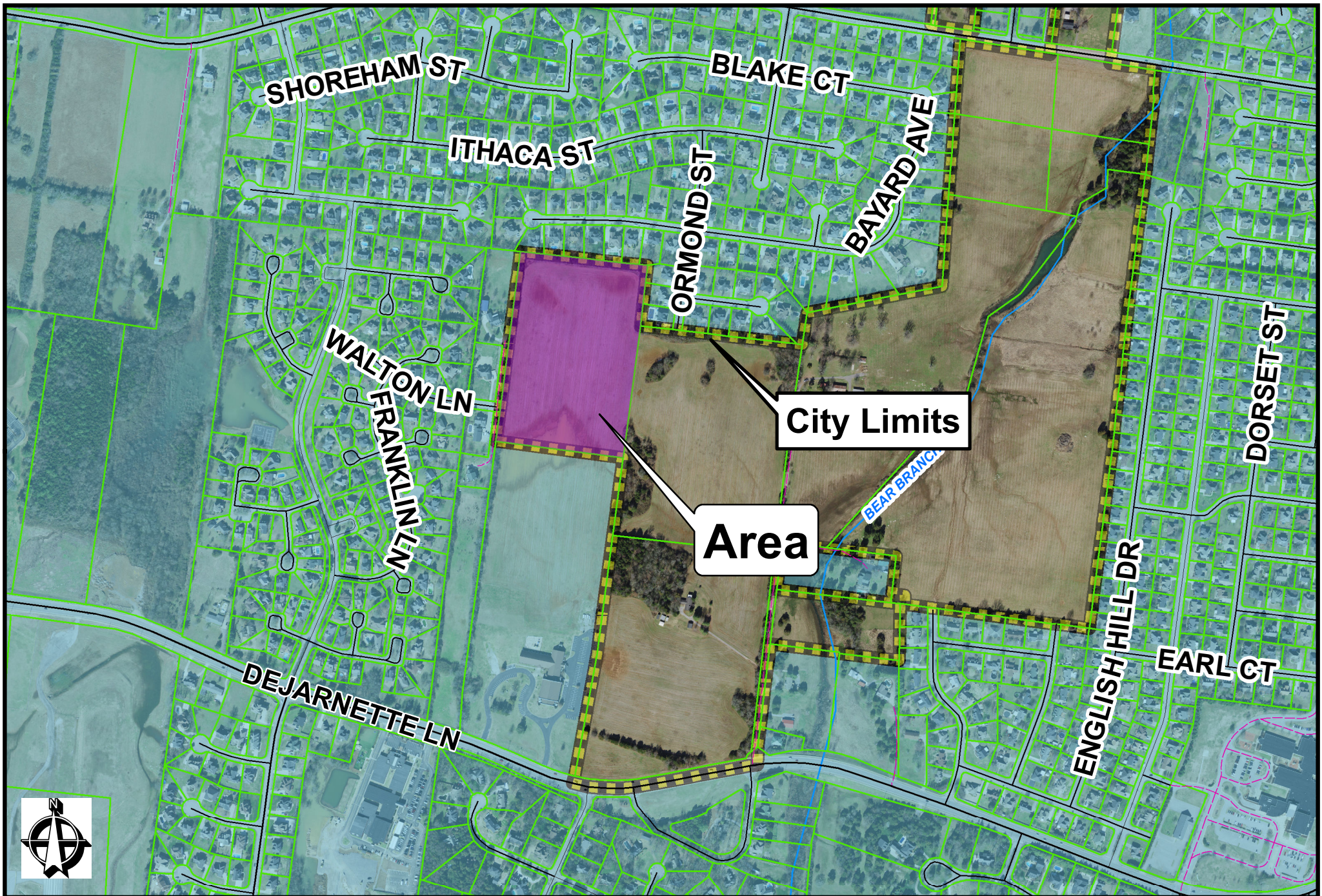


Annexation Request for Property along DeJarnette Lane and Walton Lane

0 150 300 600 900 1,200
Feet



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



Annexation Request for Property along DeJarnette Lane and Walton Lane

0 150 300 600 900 1,200
Feet



Planning Department
City of Murfreesboro
111 W. Vine St.
Murfreesboro, TN 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. Calvary Baptist Church (Anthony Williams, Executive Pastor)
Printed Name of Owner (and Owner's Representative, if Owner is an entity)

Signature: [Signature] Status: Executive Pastor Date: 8-11-2021

431 McJannette Ln Murfreesboro, TN 37130
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: _____ Yes

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

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 13, 2021

6:00 P.M.

CITY HALL

MEMBERS PRESENT

Kathy Jones, Chair
Ken Halliburton, Vice-Chair
Jami Averwater
Rick LaLance
Warren Russell
Chase Salas
Shawn Wright

STAFF PRESENT

Greg McKnight, Planning Director
Matthew Blomeley, Assistant Planning Director
Marina Rush, Principal Planner
Holly Rush, Principal Planner
Joel Aguilera, Planner
Carolyn Jaco, Recording Assistant
Roman Hankins, Assistant City Attorney
David Ives, Deputy City Attorney
Sam Huddleston, Executive Dir. Dev. Services

1. Call to order

Chair Kathy Jones called the meeting to order at 6:00 p.m.

2. Determination of a quorum

Chair Jones determined that a quorum was present.

3. Approve minutes of the September 15, 2021, Planning Commission meeting.

Mr. Warren Russell moved to approve the Minutes of the September 15, 2021 meeting; the motion was seconded by Mr. Chase Salas and carried by the following vote:

Aye: Kathy Jones
Ken Halliburton
Jami Averwater
Rick LaLance
Warren Russell
Chase Salas
Shawn Wright

Nay: None

4. Public Hearings and Recommendations to City Council:

Zoning application [2021-418] for approximately 8.4 acres located along Bridge Avenue to be rezoned from RS-10 to CF and approximately 1 acre to be rezoned from H-I to CF, City

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 13, 2021

Church applicant. Ms. Holly Smyth presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

Mr. Jack Parker (design engineer) and Mr. Joey Rhyne (contractor) were in attendance representing the application.

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

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

Aye: Kathy Jones

Ken Halliburton

Jami Averwater

Rick LaLance

Warren Russell

Chase Salas

Shawn Wright

Nay: None

Annexation petition and plan of services [2021-507] for approximately 15.6 acres located north of Dejarnette Lane, Calvary Baptist Church applicant.

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

Chair Kathy Jones opened the public hearing.

1. **Mr. William Campbell, 819 Templeton Lane** - opposes this annexation request due to the ongoing increase in school traffic, noise, and light pollution.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 13, 2021

Chair Kathy Jones closed the public hearing.

There being no further discussion, Mr. Rick LaLance moved to approve the annexation and plan of services subject to all staff comments; the motion was seconded by Mr. Shawn Wright and carried by the following vote:

Aye: Kathy Jones

Ken Halliburton

Jami Averwater

Rick LaLance

Warren Russell

Chase Salas

Shawn Wright

Nay: None

Zoning application [2021-420] for approximately 9.5 acres located north of DeJarnette Lane to be rezoned from RS-15 to PND (Providence Christian Academy Athletic Facility PND) and approximately 9.7 acres to be zoned PND simultaneous with annexation, Providence Christian Academy applicant. Ms. Holly Smyth presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

Mr. Matt Taylor (design engineer) and Ms. Tara James (PCA representative) were in attendance to represent the application. Mr. Taylor gave a PowerPoint presentation of the Pattern Book, which Pattern Book is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

Chair Kathy Jones opened the public hearing.

RESOLUTION 21-R-PS-34 to adopt a Plan of Services for approximately 15.6 acres located north of DeJarnette Lane, Calvary Baptist Church, applicant(s) [2021-507].

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 September 1, 2021 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; and,

WHEREAS, a Public Hearing on the proposed Plan of Services was held before the City Council of the City of Murfreesboro, Tennessee on December 2, 2021, pursuant to a Resolution passed and adopted by the City Council on October 21, 2021, and notice thereof published in The Murfreesboro Post, a newspaper of general circulation in said City, on November 16, 2021; 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 21-R-A-34**, the public welfare and the welfare of the City requiring it.

Passed: _____

Shane McFarland, Mayor

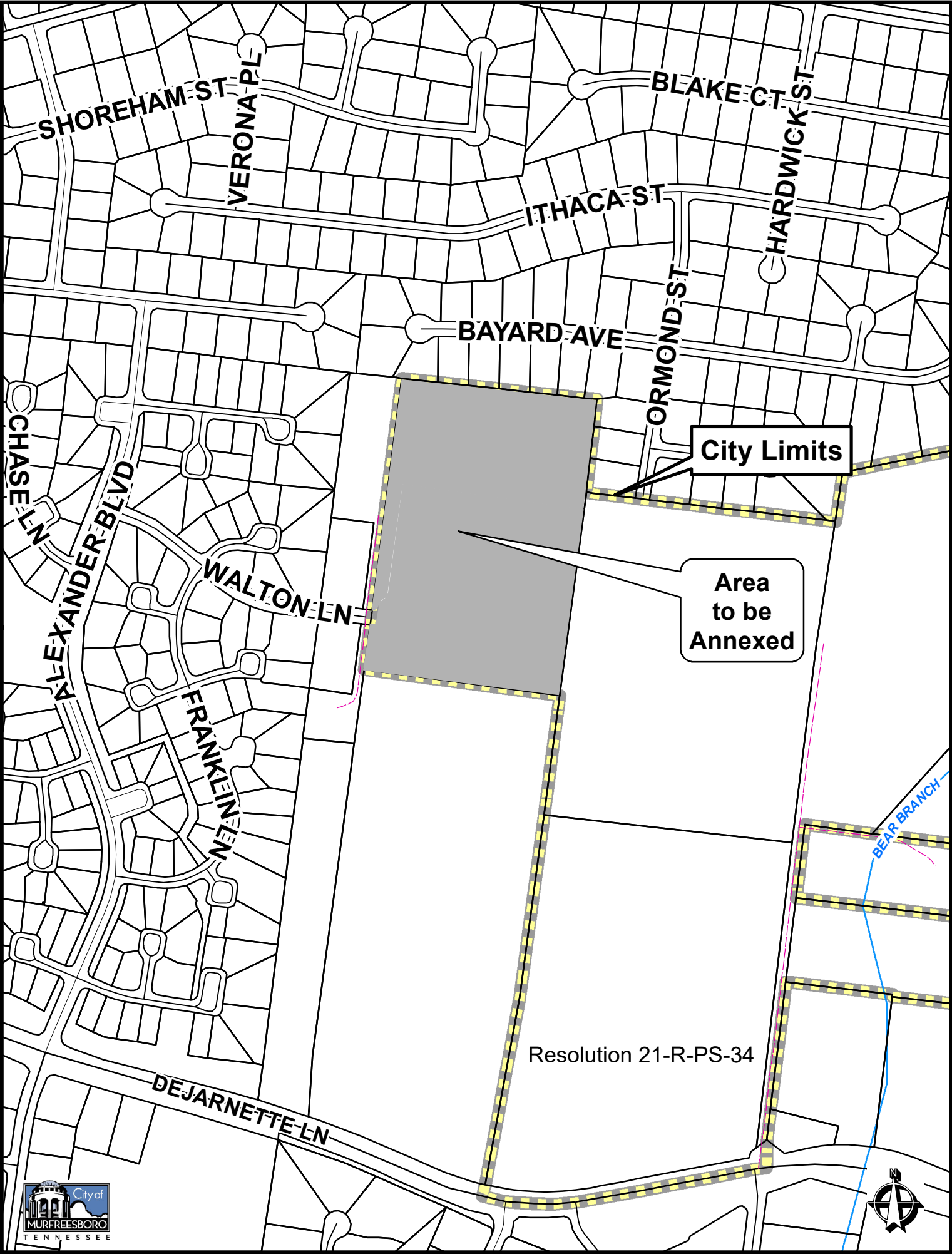
ATTEST:

Jennifer Brown
City Recorder

APPROVED AS TO FORM:
DocuSigned by:
Adam F. Tucker

43A2035E51F9401...
Adam F. Tucker
City Attorney

SEAL



Resolution 21-R-PS-34

**ANNEXATION REPORT FOR PROPERTY LOCATED
NORTH OF DEJARNETTE LANE EAST OF WALTON LANE
INCLUDING PLAN OF SERVICES
(FILE 2021-507)**



**PREPARED FOR THE
MURFREESBORO PLANNING COMMISSION – OCTOBER 13, 2021**



Annexation Request for Property along Dejarnette Lane and Walton Lane

0 150 300 600 900 1,200
Feet

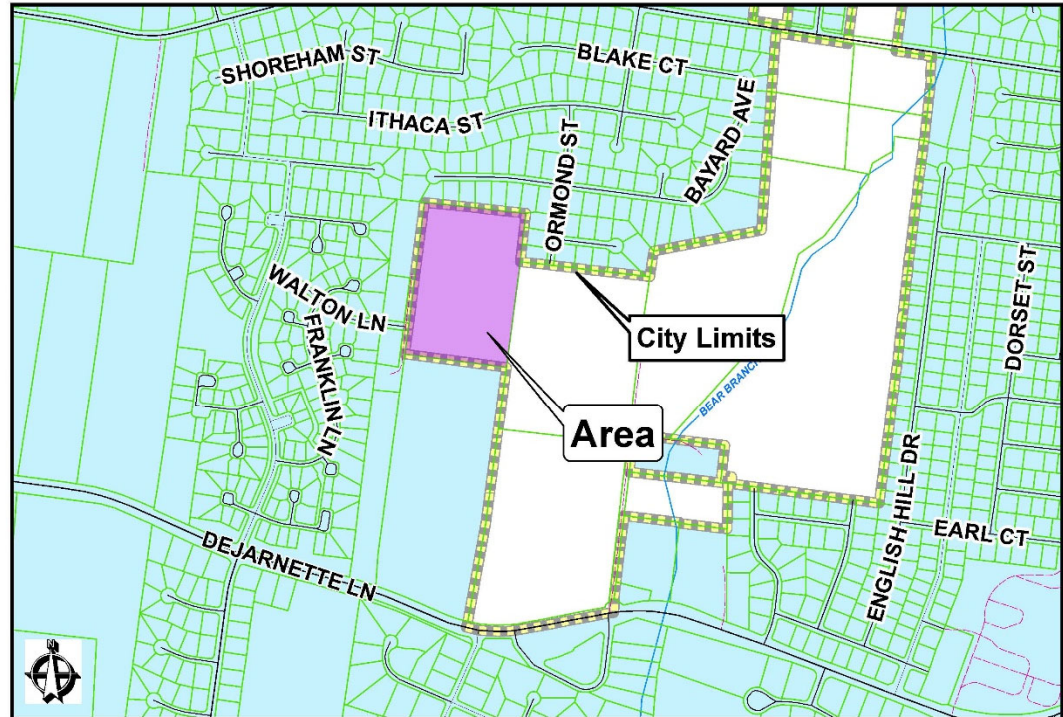
Planning Department
City of Murfreesboro
111 W. Vine St.
Murfreesboro, TN 37130
www.murfreesborotn.gov

INTRODUCTION

OVERVIEW

The property owner, Calvary Baptist Church, has submitted a petition requesting annexation by the City of Murfreesboro. The subject property is a 15.59-acre parcel, located north of the Calvary Baptist Church facilities at 431 DeJarnette Lane, east of Walton Lane. The property tax map number is: Tax Map 068, Parcel 133.06. The requested property is currently undeveloped. Simultaneous with this application is a request to zone the property to Planned Institutional District (PND).

The study area is located within the City of Murfreesboro's Urban Growth Boundary and is contiguous with the City limits along the north, west, and south property lines.



**Annexation Request for Property along
DeJarnette Lane and Walton Lane**

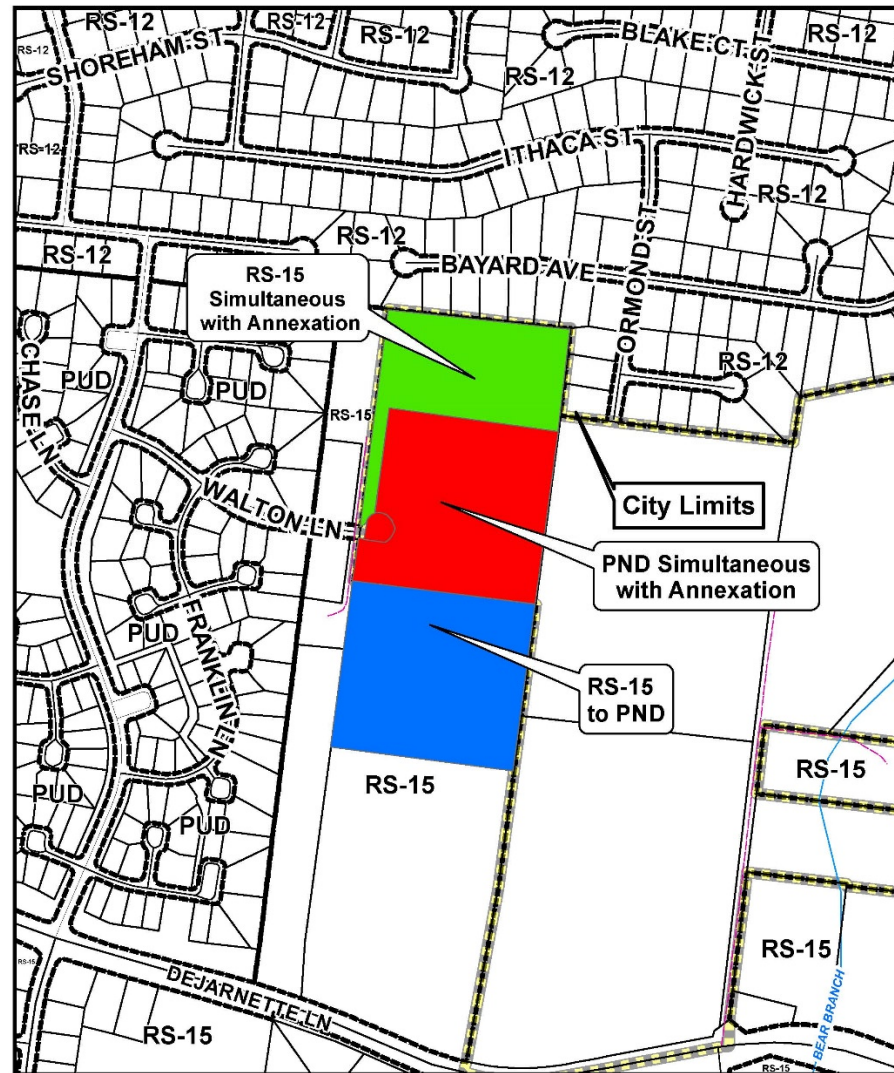
0 150 300 600 900 1,200 Feet

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

CITY ZONING

A separate application has been submitted by the owner, Calvary Baptist Church, along with the applicant Providence Christian Academy, requesting Public Institutional District (PND) zoning for a 9.46 acre portion of the study area simultaneous with annexation with the remaining 6.13 acres to have an interim RS-15 zoning. A 9.51-acre portion of the Calvary parcel within the current City Limits to the south is proposed to be rezoned from RS-15 to PND concurrently with the above listed actions. The parcel requested for annexation is shown in green and red in the adjacent drawing and is currently zoned Residential Medium-Density (RM) in the County of Rutherford.

The zoning on the adjacent properties to the west and south is RS-15, to the north is RS-12, and to the east is RM in the County. The properties surrounding the parcel are primarily vacant, single-family residential, or agricultural land.



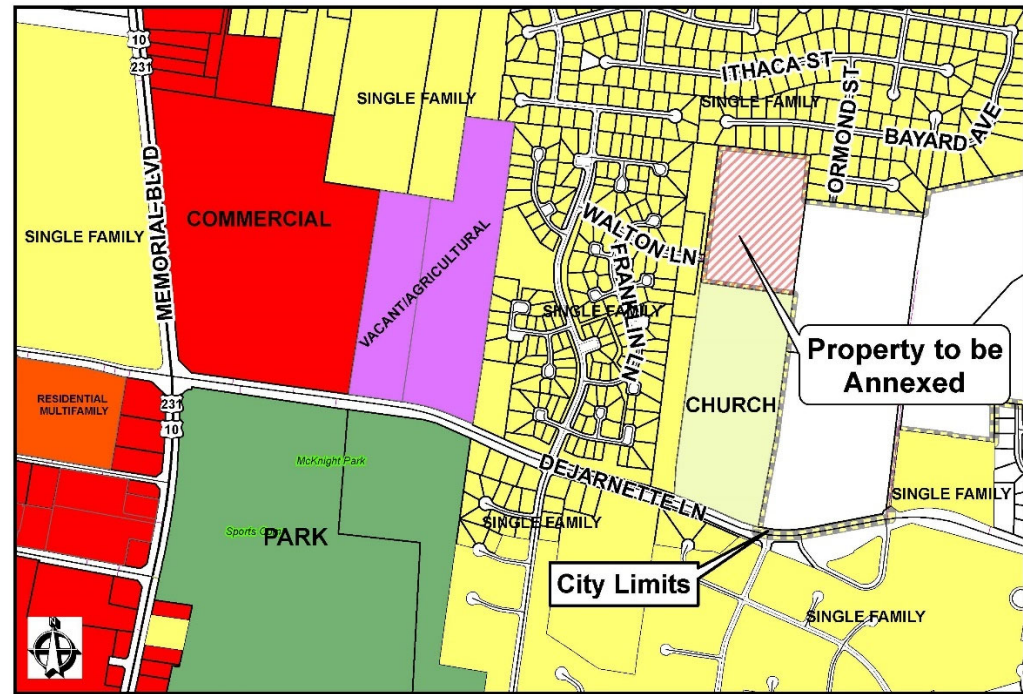
**Zoning Request for Property along Walton Lane RS-15 to PND
and PND Simultaneous with Annexation (PCA Athletic Facilities PND)**

Planning Department
City of Murfreesboro
111 W. Vine St.

0 150 300 600 900 1,200
Feet

PRESENT AND SURROUNDING LAND USE

The study area is undeveloped agricultural land. The surrounding land uses are primarily single-family residential or vacant agricultural land. However, there is the existing church directly south of the study area.



**Annexation Request for Property along
Dejarnette Lane and Walton Lane**

0 150 300 600 900 1,200
Feet

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

TAXES AND REVENUE

The first City tax bill for all property annexed during the calendar year of 2021 will be due on December 31, 2022. 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. The property is vacant. 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 + Yard Item Value	Total Assessment	Estimated City Taxes
Calvary Baptist Church	15.6	\$45,800	\$0.00	\$11,450	\$147.64

These figures are for the property in its current state and are subject to change upon development. These figures do not take into account any potential tax exempt status based on future use or future ownership.

PLAN OF SERVICES

POLICE PROTECTION

At present, the study area receives police services 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 parcel immediately upon the effective date of annexation. The Murfreesboro Police Department will be able to provide services immediately upon the effective date of annexation. This property is in Police Zone #3.

FIRE AND EMERGENCY SERVICE

The study area is vacant land located east of Walton Lane. The Murfreesboro Fire and Rescue Department (MFRD) can provide emergency services to the study area immediately upon the effective date of annexation at no additional expense. Fire protection can be provided upon development, as additional fire protection measures will need to be extended to the site when it develops.

Currently the study area is located 1.4 miles from Fire Station #6 (2302 Memorial Blvd.) and 1.7 miles from Fire Station #8 (Pitts Lane). The blue line on the adjacent map

represents the linear distance range from the nearest fire station.



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ELECTRIC SERVICE

The study area is located inside the boundary of Middle Tennessee Electric Membership Corporation (MTEMC). MTE has existing facilities and capacity in place to serve development on the subject property.

STREET LIGHTING

The subject property only has street frontage at the end of Walton Lane, which has one street light on the northside of the street just before the end of the current public. Streetlights will be installed within the development if public streets are constructed.

SOLID WASTE COLLECTION

The study area is currently vacant and will require no services from the Solid Waste Department in its current state. Because future development will be public institutional, a private solid waste management service will be required to be utilized upon development.

RECREATION

Murfreesboro's Parks and Recreation facilities will be immediately available to any potential occupants 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 (MCS) system serves grades kindergarten through sixth and is offered to students who are within the jurisdiction of the City of Murfreesboro. There are no residences on the subject property, so the property will have no impact on MCS in its current state. The property is located within the John Pittard Elementary School zone. If the northern portion of the property is developed with residential lots, 18 single family homes could add between 3 to 6 elementary school students to the MCS school population.

As of the 2021-2022 school year, enrollment at John Pittard is 696 students with a capacity for 1,000 students (which has an adjusted capacity total of 820 student, thereby leaving a remaining capacity of 124 students).

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.

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 plats, 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.

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.

STREETS AND ACCESS

No additional public roadways are included in the study area. Access to a public roadway system is available through Walton Lane.

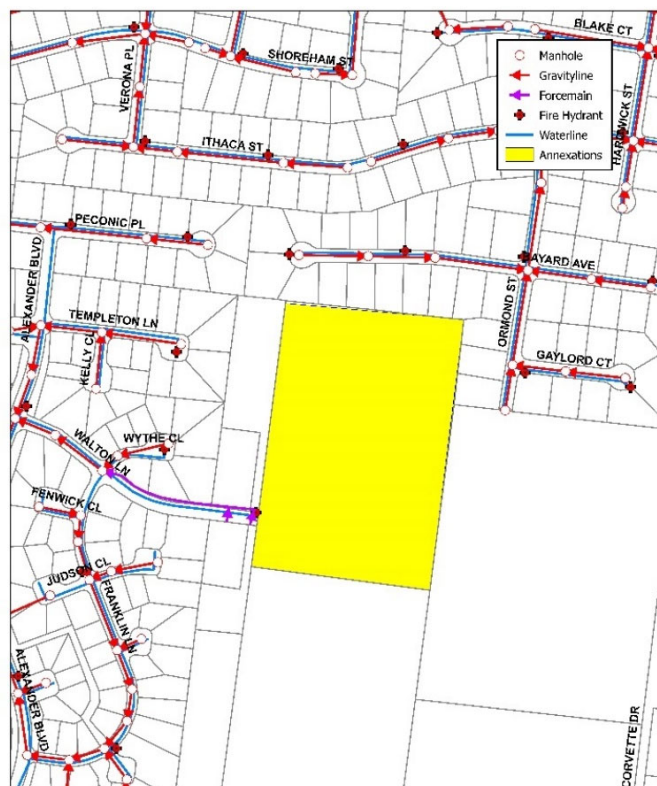
Any new public roadways to serve the study area must be constructed to City Standards.

REGIONAL TRAFFIC & TRANSPORTION

The study area is served by Dejarnette Lane as the major roadway facility. The 2014 Level of Service Model in the 2040 Major Transportation Plan shows Dejarnette Lane to be operating at a Level of Service B in the study area using average daily traffic (ADT) counts. Without the recommended improvements in the 2040 Major Transportation Plan, the regional transportation facility falls to a Level of Service C on Dejarnette Lane.

WATER SERVICE

The study area is located within the Murfreesboro Water Resources Department's (MWRD) service area. MWRD can provide water service to the subject property. Water service would be required to connect to the existing water main at Walton Lane if sports fields are developed. Any development of residential lots would require an 8" water main extension by the Developer at the time of development. This water main would have to extend to each lot created as well as to the eastern property line for a future connection with the 8" water main at the end of Ormond Street.



MURFREESBORO WATER RESOURCES DEPARTMENT
Annexation Request for Property along
DeJarnette Lane and Walton Lane



SANITARY SEWER SERVICE

Gravity sewer is not available to the property and would require a pump and forcemain for service whether it would be for the sports fields or for residential development. There

is an existing 2" forcemain at the end of Walton Lane, but the Developer's Engineer would need to verify that the additional lots could be served by this 2" forcemain or whether it would require upsizing. Any improvements would be required by the Developer at the time of development. If only to serve the fields, the additional pump and forcemain would be private; if for additional residential units, then step tanks would be required to pump through a common and public sewer main to be maintained by MWRD. All main line extensions are the financial responsibility of the developer and must be extended in accordance with the Development Policies and Procedures of MWRD. If the property was to be annexed and remain as raw land, the annexation wouldn't have any impact on the Department. Should the property develop with sports fields, the project still would not have any impact on the Department unless restrooms and/or concession stands were being proposed.

Any development will be required to comply with the Sewer Allocation Ordinance. With regard to the City's Sewer Allocation Ordinance and the proposed zoning request of Planned Institutional District (PND), the property would be allotted 3.4 single family units per acre (sfu's/acre) and for the RS-15 interim zoning, the property would be allotted 3.0 sfu's/acre. One sfu is equivalent to 260 gallons per day (gpd). The property acreage is 9.69 acres zoned PND and 6.13 acres of RS-15 interim zoning. Therefore, the development would be allotted ~13,347 gpd ($3.4 \times 9.69 \times 260 = 8,566$ gpd and $3.0 \times 6.13 \times 260 = 4,781$ gpd). To reserve sewer capacity, a Will Serve letter request must be submitted to the Department.

DRAINAGE

Public Drainage System

No public drainage facilities are included in the study area. Any new public drainage facilities proposed to serve the study area in the future must meet City standards.

Regional Drainage Conditions

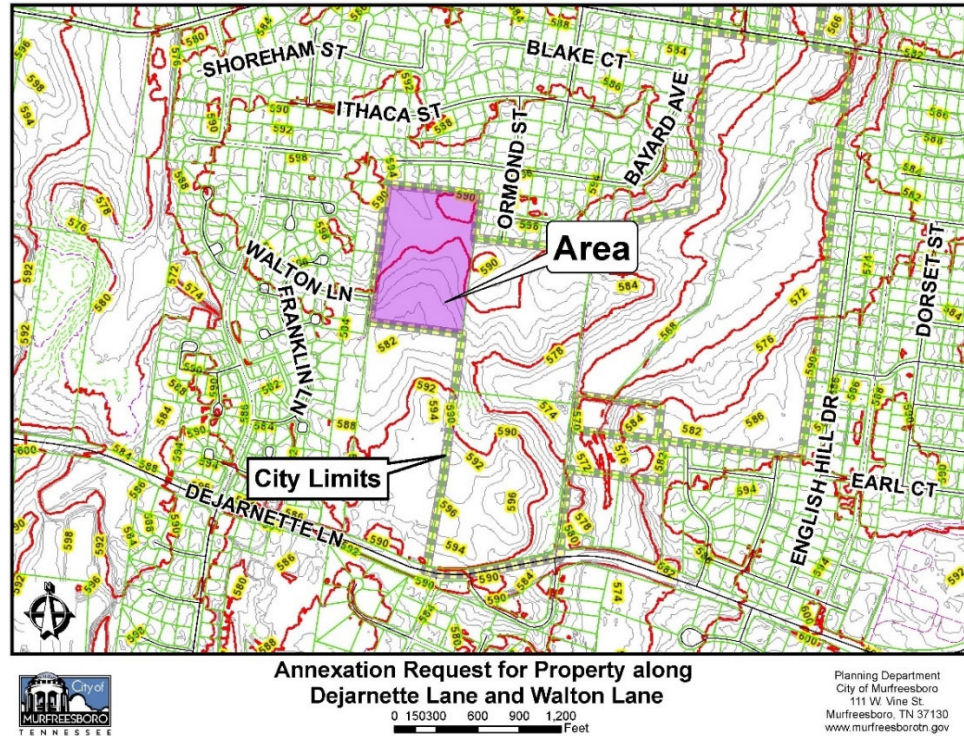
A review of the 2010 aerial photography following the significant rainfall events of May 1 and 2 confirms the presence of a closed depression with standing water 2 days after the rainfall stopped.

The study area drains to Bear Branch located approximately 0.3 miles to the east.

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 is currently vacant and will generate approximately \$0 per year in revenue for the Stormwater Utility Fee.

The dark red lines going through the adjacent map represent a high point contour line with an elevation of 590' above sea level. The adjacent contours represent a 2' interval difference, with the low-point elevation on site being 582' above sea level.

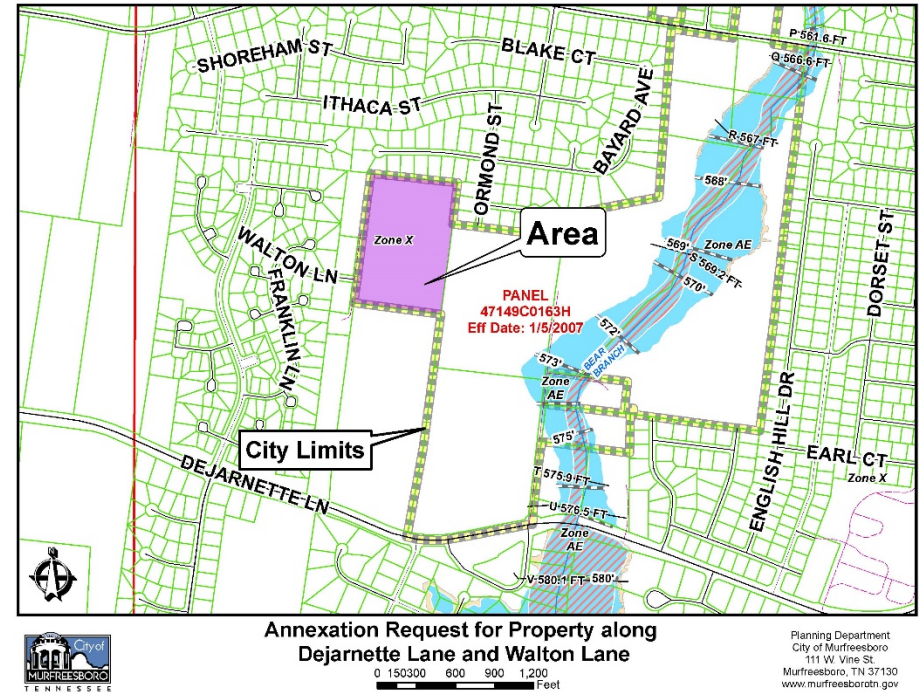


FLOODWAY

The study area is not located within the 100-year or 500-year floodplains as delineated on the Flood Insurance Rate Maps (FIRM) developed by the Federal Emergency Management Agency (FEMA). The adjacent map shows the closest floodplain approximately 750' east of the subject property along the Bear Branch.

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 21-R-A-34 to annex approximately 15.6 acres located north of DeJarnette Lane, and to incorporate the same within the corporate boundaries of the City of Murfreesboro, Tennessee, Calvary Baptist Church, applicant(s) [2021-507].

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 21-R-PS-34** on November 16, 2021; and

WHEREAS, the Planning Commission held a public hearing on the proposed annexation of such territory on September 1, 2021 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 21-OZ-34**, the public welfare and the welfare of the City requiring it.

Passed: _____

Shane McFarland, Mayor

ATTEST:

Jennifer Brown
City Recorder

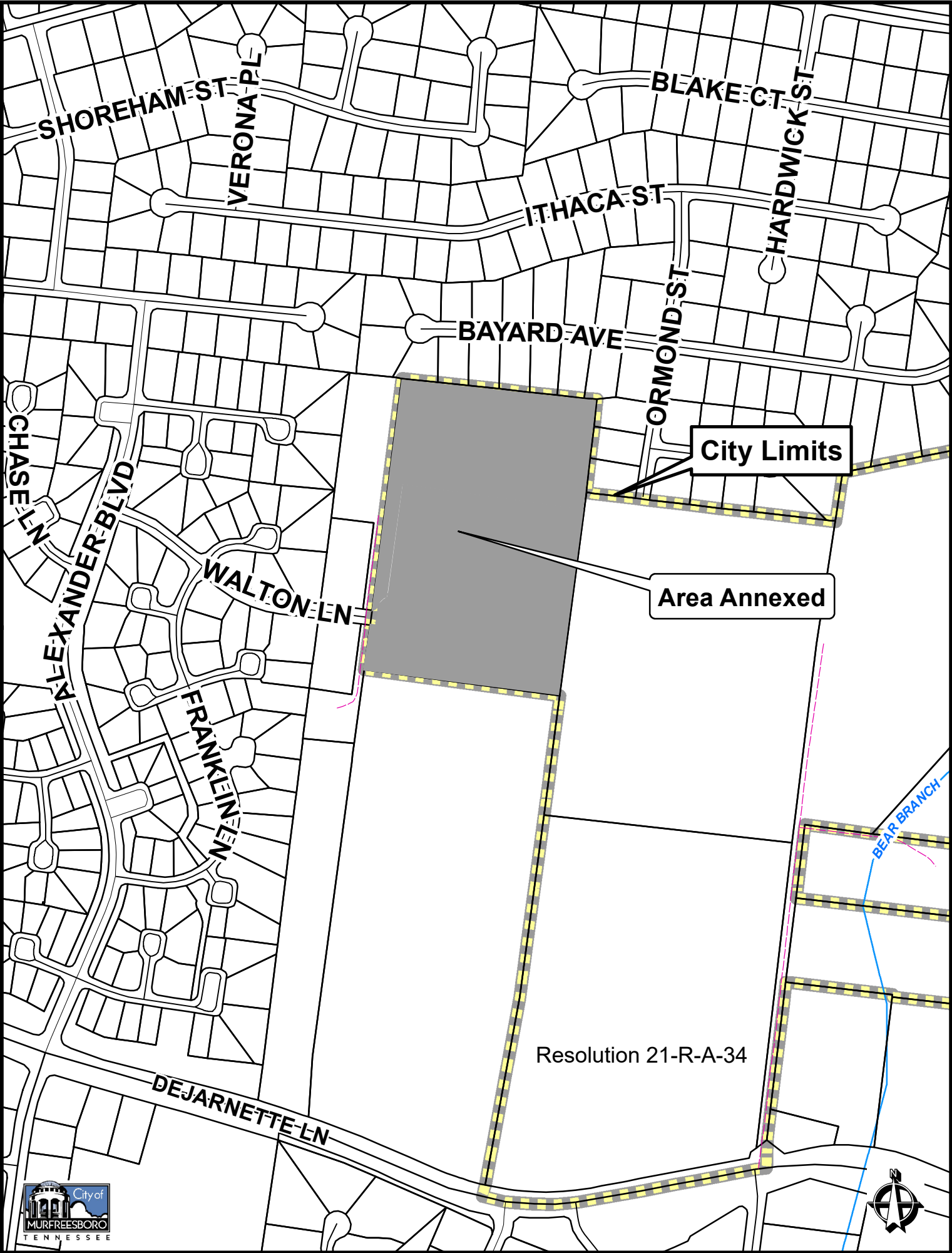
APPROVED AS TO FORM:

DocuSigned by:

Adam F. Tucker

43A2035E51E9401
Adam F. Tucker
City Attorney

SEAL



**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
OCTOBER 13, 2021
PROJECT PLANNER: HOLLY SMYTH**

- 4.c. Zoning application [2021-420] for approximately 9.5 acres located north of DeJarnette Lane to be rezoned from RS-15 to PND (Providence Christian Academy Athletic Facility PND) and approximately 9.7 acres to be zoned PND simultaneous with annexation, Providence Christian Academy applicant.**

The study area includes portions of 2 existing parcels totaling approximately 19.2 acres located behind the existing Calvary Baptist Church at 431 DeJarnette Lane. Walton Lane currently stubs into the west side of the subject property. The property tax map numbers are: Tax Map 068, Parcels 133.05 and 133.06. The current zoning on the southerly parcel is single-family residential (RS-15) while the northerly parcel is zoned RM (Residential Medium Density) in unincorporated Rutherford County. The previous item on the agenda was the annexation of the northern parcel. The portions of the requested properties requested for the rezone are currently vacant and undeveloped.

The applicant, Providence Christian Academy, is requesting to zone portions of the two subject parcels to Planned Institutional District (Providence Christian Academy Athletic Facility PND), with the northerly parcel rezone being requested simultaneous with the property owner's (Calvary Baptist Church) request for annexation into the City. The remaining portion of the southerly parcel fronting DeJarnette will remain RS-15 while the northern portion of the northerly parcel will be given an interim RS-15 zoning classification if annexed, as there is no companion zoning request for it simultaneous with annexation. There is no proposed development on the area proposed to be zoned RS-15. Calvary Baptist Church is in the process of constructing an addition to its existing facility on the southern portion of the southern parcel. Ultimately the two existing parcels will be re-configured and divided to create a total of 3 lots, one for the continued church use, one for the sports fields, and one for the remaining undeveloped property.

Adjacent Zoning and Land Uses

Surrounding zoning is RS-15 to the west and south and RM in unincorporated Rutherford County to the east as shown on page 7 of the program book. The immediately adjacent surrounding land uses include the existing Calvary Baptist Church to the south that fronts DeJarnette Lane, four single-family detached dwellings on flag lots and the stub street of Walton Lane to the west, and vacant parcels directly to a portion of the west, as well as to the east. The Bradford Place single-family residential subdivision, zoned PUD (Planned Unit District) is located further to the west, and the Hamptons single-family residential subdivision, zoned RS-12, is located to the north.

Proposed PND

The request for rezoning to Planned Institutional District (PND) is to create Providence Christian Academy's (PCA) athletic facility with the long-term build-out to include a football field with 1,600 seat stadium, running track, a combined soccer and softball field, a baseball field, six tennis courts, and approximately 7 complementary buildings and structures. The complementary buildings, with a total footprint of 70,386 square feet and a total gross floor area of up to-100,000 square feet, will include a field house, concession stand, locker rooms, storage facilities, ticket booths, bleacher seating, and bullpens/dugouts, in addition to parking lots. The site is anticipated to have multiple layers of fencing that are depicted on page 12 of the program book, including fencing off the property from Walton Lane. A new diagram is provided in the program book on page 12 that shows fencing and gate locations, material type and minimum/maximum heights. One perimeter gate is proposed at the southerly T-intersection of Walton Lane to discourage the use of Walton Lane. Perimeter fencing around the entire sports complex is generally between 6-10' in height made of black chain link fencing. Portions of the softball and football fields as well as the entire baseball field include 4-30' tall black chain link fencing. The tennis courts have 10-14' tall black chain link fencing proposed.

PCA is requesting the rezone to PND in order to assure the community of what is proposed to be built and to allow for the zoning to be tailored to the specific institutional use being proposed. Page 13 of the program book shows a proposed layout of the sports field site. A shaded anticipated phasing plan is shown on a new page 14 of the program book highlighting circulation and parking construction tied to the phases. It appears that the additional parking provided in phase 4 on the Calvary Church property is not adequate to meet the full required parking and may need to still add approximately 40 spaces. The amount of specific parking being provided in each phase needs to be added to the drawing/ table so that it is clear that the 590 spaces are being provided north of DeJarnette Lane and that each phase has adequate parking. Page 14 also shows a good overview view of how the access to the sports fields ties back to DeJarnette Lane through the Calvary Baptist Church site. However, future potential vehicular circulation from Walton Lane to Ormond Street and points to the east need to be identified on the phasing plan (as it is no longer contained anywhere in the Program Book).

Hours of operation for all sports activities are outlined on page 19 of the program book along with the anticipated number of games and days of the week. The largest event anticipated would be a home football game occurring approximately 6 times a year at the 1,600 seat stadium. The City's parking requirement for the site is based on the seating in the stadium plus 10 spaces per acre which equates to 590 spaces being required. The revised proposed parking arrangement includes 259 spaces on the PCA sports field site and 331 spaces on the adjacent Calvary Baptist site (both located on the northside of DeJarnette Lane). Access to the parking lots are proposed to be from DeJarnette Land and the City will require recorded Off-Site Shared Parking Agreements approved by the City.

Building elevations have been provided in the updated program book pages 17-21 with all buildings being shown in stone and brick to better match the predominantly brick houses in the vicinity. However, additional revisions are needed to better comply with the City's Design Guidelines. Many of the buildings are visible from anticipated future streets or Walton Lane and need to be improved. **The following standards of the "Design Guidelines" need to be incorporated into the designs as follows:**

- Orient primary entrance toward street with higher classification (pertaining to Field House facing Walton Lane per Section V.E.4)
- Define building entrances with appropriate prominence and visibility (per Section V.E.3)
- Provide appropriate massing for intended use, and moderate building massing by stepping back building, varying visual height, and varying front plane of building (per Section V.D.1)
- Façade of building shall be divided into distinct sections no more than 40' in width and each section taller than it is wide and large expanses of blank walls shall be prohibited (per Section V.E.2). Adequate dimensioning needs to be shown to be able to review design based on this standard.
- Windows/columns and other elements shall be used to reinforce verticality of façade (per Section V.D.3)
- Design exterior elevations to consider appropriate level of interest and emphasis on architectural detailing (per Section V.B.1)
- Buildings exceeding 5,000 square feet in size or greater shall be prepared by a registered architect licensed in the State of Tennessee. The pattern book should include the name and contact information for the registered architect who designed the building elevations.

Proposed landscaping includes Type C buffers along the entire easterly and westerly boundaries of the sports facility and typical perimeter planting yards on the north and south. Should the north-south access drive ever convert into a public right-of-way, all the trees on the west side of the access drive would either have to become a median or be removed. Drainage is anticipated to be provided below ground as determined during the design of the more detailed civil plans. All open spaces, drainage areas, landscape, and grounds will be maintained by PCA.

Lighting for the ball fields will include light poles up to 80' in height. A preliminary photometric analysis has been provided, and the applicant believes that the City standard of 0.5 footcandle at the property lines can be achieved and only an exception to the height is being requested with the PND zoning. According to Section 18 of the Zoning Ordinance – Regulations of General Applicability, light fixtures for recreational fields at an institutional group assembly use are permitted up to 80' in height in conjunction with a special use permit granted by the Board of Zoning Appeals, but because the Planning Commission and City Council are considering the zone change, this height is in the list of requested exceptions on page 24 of the program book

Exceptions are shown in the Program Book on page 24 in red text; item 8 describes the various City standard setbacks, lot size, lot width, building height, and lighting height standards between an RS-15 zone district and the proposed PND zone. The proposed PND zoning currently calls out for exceptions to the following comparative standards:

- Pole lighting heights be allowed up to 80'; and
- Base of building plantings to not be required on the eastern sides of the Field House and Indoor Batting Cages building nor on the southern side of the field storage building.

Transportation Improvements and Vehicle/Pedestrian Circulation

Access into the site is proposed from DeJarnette Lane (designated as a Minor Arterial with 5-lanes) via the two (2) existing private access drives in Calvary Baptist Church's parking lot as well as a proposed T-intersection at Walton Lane. Sidewalk is proposed from the easterly driveway at DeJarnette Lane to just south of Walton Lane. The City Greenways, Blueways, and Bikeways Master Plan identifies existing bike lane facilities along DeJarnette Lane. Staff had previously asked for a peak level event traffic analysis for the project which was to show both pedestrian and vehicle circulation when some of the required parking was provided on the south side of DeJarnette Lane. **Now that all the required parking is on the northside of DeJarnette Lane, the traffic analysis' focus should be on vehicular traffic impacts of a peak event on Walton Lane with gating, Alexander Boulevard, and DeJarnette Lane in coordination with the City's Traffic Engineer.**

The applicant only provided the information on page 15 of the Program Book that includes a Transportation Demand Management Plan (TDMP) that includes some hard improvements but does not state how PCA will "continue to deter and take actions to limit pedestrian crossings of DeJarnette Lane" nor how the TDMP can be actively implemented by PCA staff.

Staff has asked for the following modifications to vehicular access based on past history with similarly-situated sites (like Bishop Street south of Siegel Middle School) to lessen the impacts to the City's street network:

- Need to show how roadway connections will work to connect Walton Lane back to Ormond Street as well as property to the east. The location was previously provided in an earlier version of the program book and needs to be re-incorporated into the program book with dimensions to show local street standard widths can be met, as future ingress/egress points in the future will help better distribute traffic; and
- Provide a more direct mild curve access from the westernmost driveway to avoid going through the church parking lot with an entry width wide enough to accommodate multiple travel lanes (which has been addressed); and
- Change the proposed Walton Lane cul-de-sac to a T-intersection, with asphalt paving to the north-westerly corner of the site so that traffic does not back up onto Walton Lane (which has been addressed with T-intersection, however the gate location may need to be further evaluated based on the traffic analysis); and
- Provide right-turn lanes along DeJarnette Lane (which has been addressed; however, it is unclear if median queuing distances are adequate for left-turns from DeJarnette Lane until the traffic analysis is provided); and
- The easterly drive access from DeJarnette Lane into the Calvary Baptist site needs to provide a 3-lane drive access to accommodate 1 outbound and 2 in-bound lanes to quickly get traffic off DeJarnette Lane which could be reversed for out-bound traffic after large scale events; and
- Due to the fact that there is not a peak event traffic analysis, it is unknown what trip distribution, queuing, or other impacts to Walton Lane and surrounding streets like Alexander Boulevard may be experienced during peak level events or if further infrastructure improvements are needed to lessen traffic impacts. **Therefore, staff continues to need the analysis to properly complete our review of the project.**

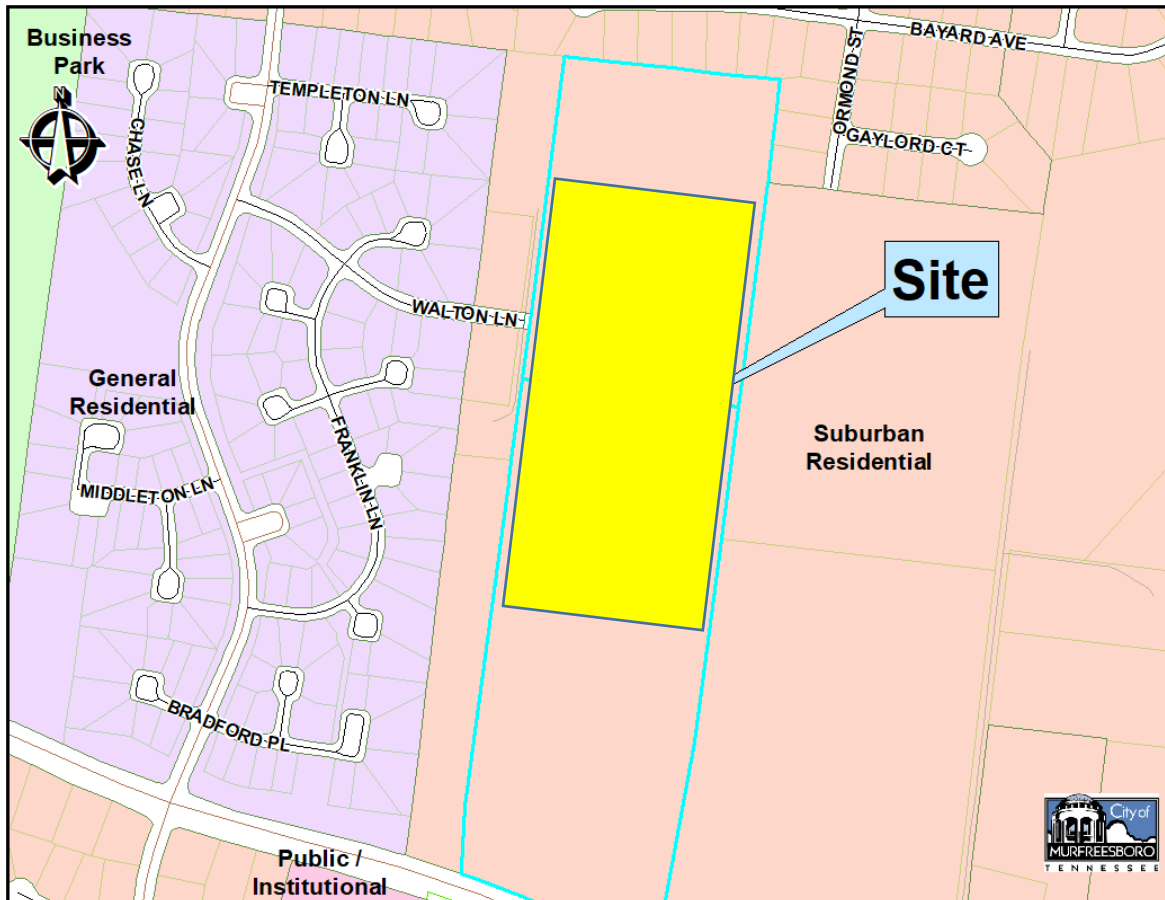
Future Land Use Map

The future land use map (FLUM) contained in the Murfreesboro 2035 Comprehensive Plan, which was adopted in July 2017, recommends that the subject property develop with a “*Suburban Residential*” land use character (see excerpt from the future land use map on the following page). This classification intends to serve as a transition from rural to urban residential development and is predominantly located along the periphery of the City. This character type includes small acreages or large lot estate development, or may also be smaller lots clustered around common open space. The comprehensive plan calls out RS-15, RS-12, and RS-10 as existing zoning districts that are compatible with this designation with 2.0-3.54 dwelling units per acre as the recommended density. Development types within this land use character include “detached residential dwellings and Planned developments to provide other housing types with increased open space to preserve a suburban character setting.” The description of this land use character does not specifically list institutional uses as a compatible development type.

The proposed sports fields are more aligned with the *Public Institutional Class* land use character. This land use is for public and private schools and similar institutional uses with a high degree of visitation and/or pedestrian activity and may require multiple buildings, and facilities may have special parking and passenger drop-off requirements. City zoning districts that are consistent with this land use include CU, PND, and AOD.

While the Suburban-Residential land use character does not specifically call out institutional uses as compatible uses, in most cases institutional uses are permitted by right or by special use permit in residential zone districts. Staff believes that this represents an unintentional gap in the Comprehensive Plan, as most institutional land uses have long been seen as being compatible with adjacent residential uses as long as the institutional use is designed with those residential uses in mind.

With the above in mind, staff believes the proposed PND zoning is consistent with the Future Land Use Map for Suburban Residential land use designation so long as staff comments are incorporated into the program book discussed above. If the rezoning is adopted, staff recommends the FLUM be revised to reflect Public Institutional Class (PI) for this property.



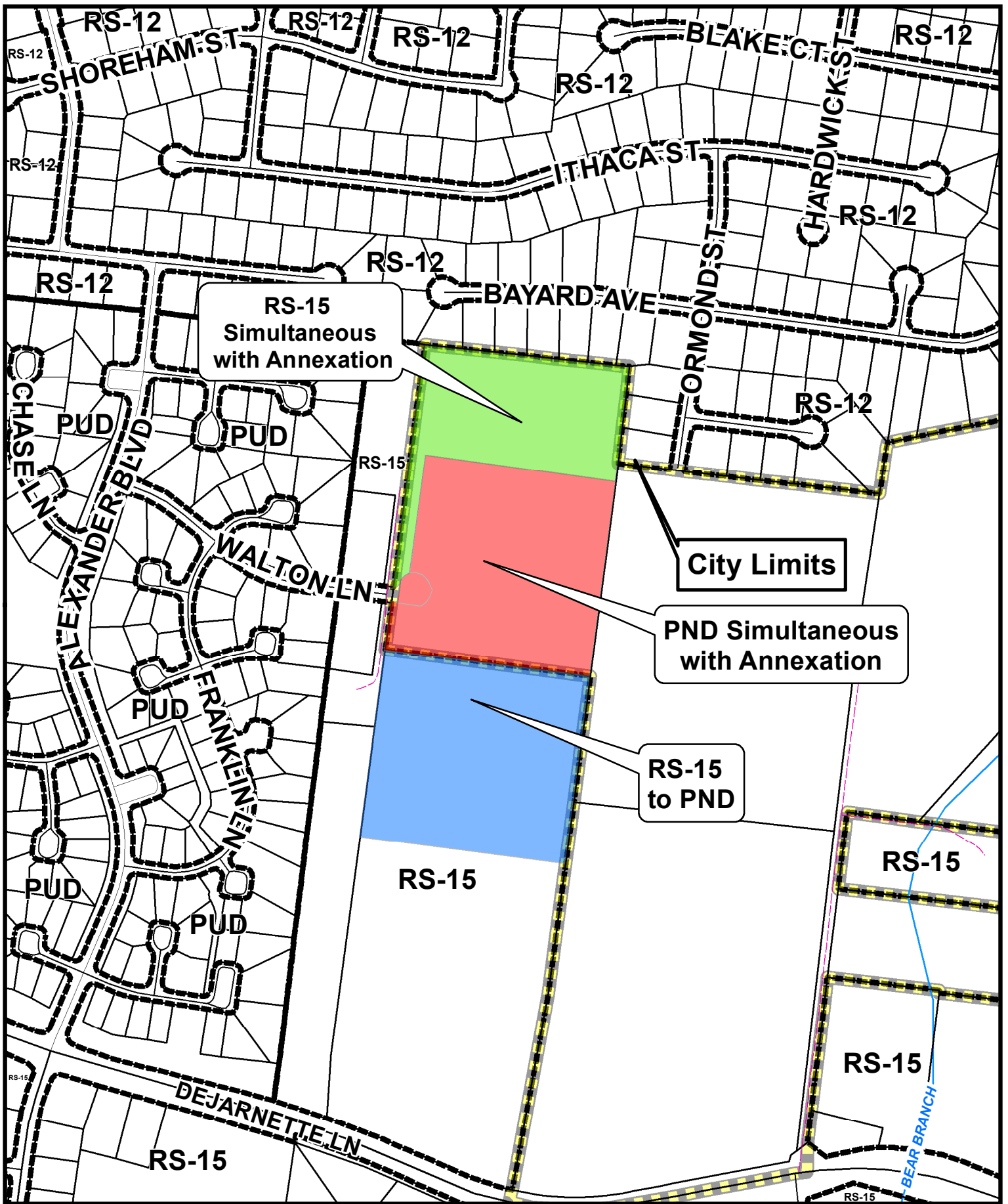
Department Recommendation.

The Planning Department recommends deferral of this zoning request until the following:

- a) the traffic analysis discussed above is received by the City and reviewed by the Traffic Engineer to ensure adequate traffic management improvements and measures are incorporated into the project;
- b) the plan depicts potential future roadway connections back to Ormond Street as well as to property to the east as previously shown;
- c) the easterly driveway off DeJarnette Lane is revised to incorporate a 3-lane access drive to accommodate 2 in-bound and 1 out-bound travel lane;
- d) the plan book is revised to clearly depict all required parking spaces provided on the north side of DeJarnette Lane; and
- e) updated architectural elevations designed by a registered architect are included to better meet the standards of the Design Guidelines as listed above.

Action Needed

The applicant will be in attendance at the meeting to make a presentation and answer any questions. The Planning Commission will need to conduct a public hearing and then discuss this matter, after which it should formulate a recommendation for City Council or vote to defer action. For the reasons previously listed in this staff report, Staff recommends that action on this item be deferred.



**Zoning Request for Property along Walton Lane RS-15 to PND
and PND Simultaneous with Annexation (PCA Athletic Facilities PND)**

Planning Department
City of Murfreesboro
111 W. Vine St.





Planning Department
City of Murfreesboro
111 W. Vine St.





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

Creating a better quality of life

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: _____

Address: _____ City/State/Zip: _____

Phone: _____ E-mail address: _____

PROPERTY OWNER: _____

Street Address or
property description: _____

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

Existing zoning classification: _____

Proposed zoning classification: _____ Acreage: _____

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

E-mail: _____

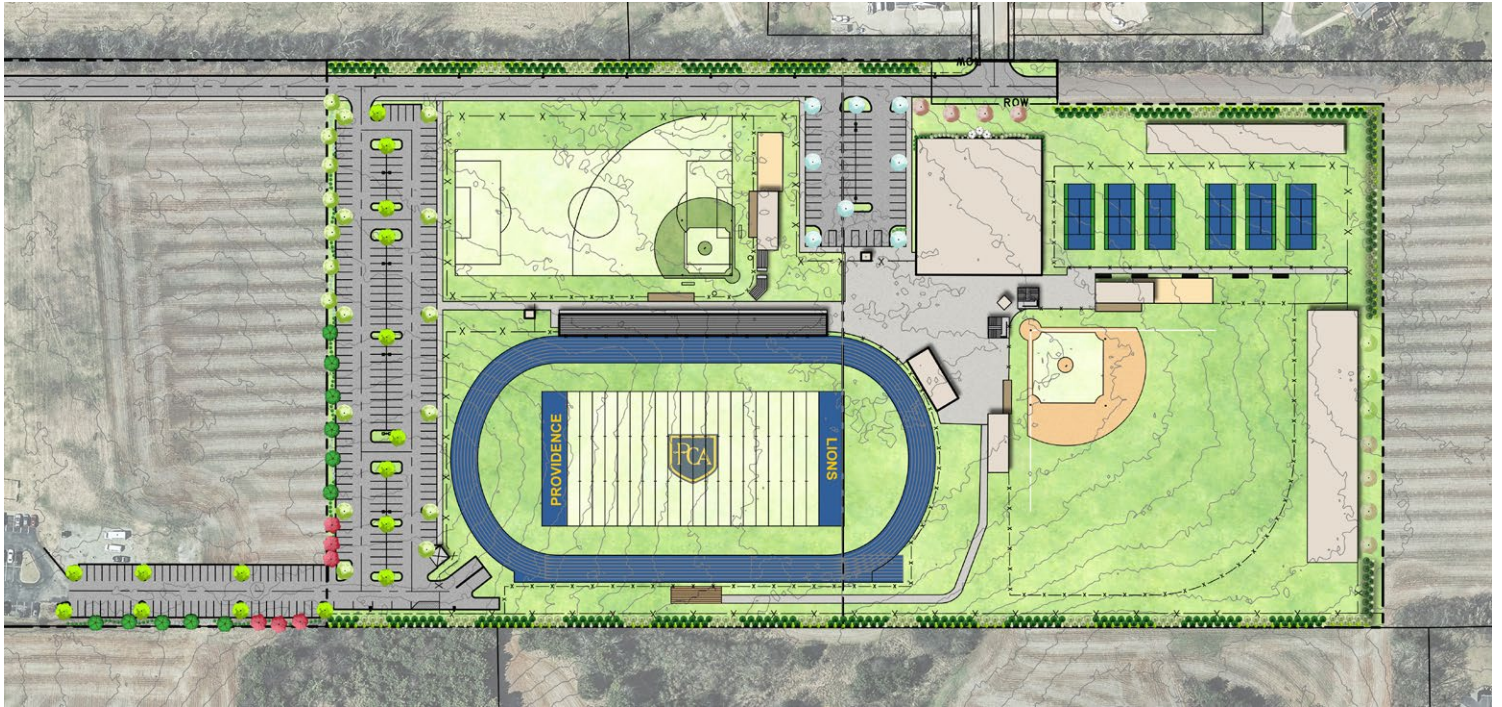
APPLICANT'S SIGNATURE (required): _____

DATE: _____

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

Date received: _____ **MPC YR.:** _____ **MPC #:** _____

Amount paid: _____ **Receipt #:** _____



PROVIDENCE CHRISTIAN ACADEMY ATHLETIC FACILITY

A REQUEST FOR ANNEXATION AND REZONING TO A PLANNED INSTITUTIONAL DISTRICT
Murfreesboro, Tennessee

Initial Submittal
August 12th, 2021

Resubmitted
September 3rd, 2021 for the September 15th, 2021
Planning Commission Workshop

Resubmitted
September 29th, 2021 for the October 13th, 2021
Planning Commission Public Hearing

Resubmitted
October 8th, 2021 for the October 13th, 2021
Planning Commission Public Hearing

Resubmitted
November 17th, 2021 for the December 2nd, 2021
City Council Public Hearing

SEC, Inc.

SEC Project #02286



SEC, Inc.

Company Name: SEC, Inc.
Profession: Planning.Engineering.Landscape Architecture
Attn: Matt Taylor
Phone: (615) 890-7901
Email: mtaylor@sec-civil.com
Web: www.sec-civil.com

*850 Middle Tennessee Blvd.
Murfreesboro, Tennessee 37129*



Company Name: Providence Christian Academy
Profession: Owner
Attn: Ben Bobo
Phone: (615)-904-0902
Email: 4bbobo@gmail.com
Web: Providencechristian.com

*410 Dejarnette Lane
Murfreesboro, TN 37130*

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CONCEPTUAL SITE PLAN 13

PHASING PLAN..... 14

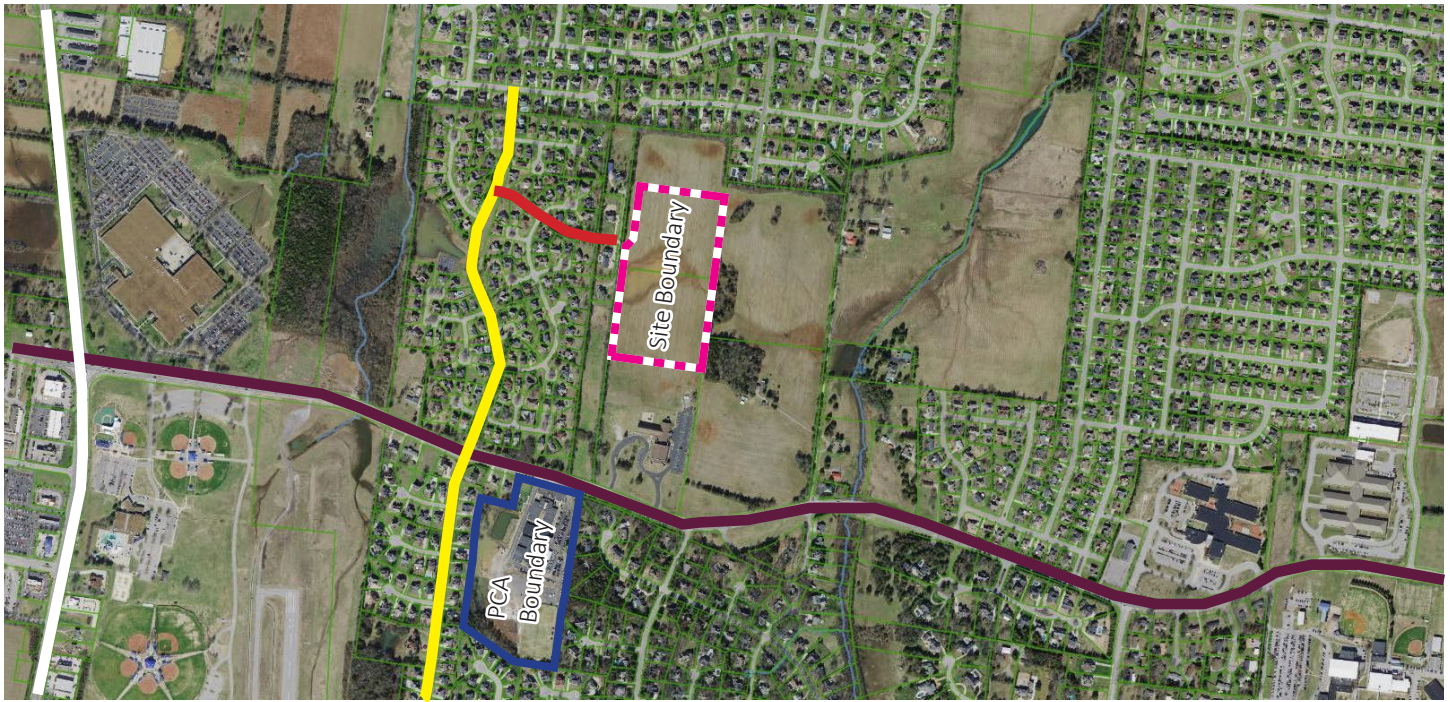
INGRESS AND EGRESS 15

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HOURS OF OPERATION 23

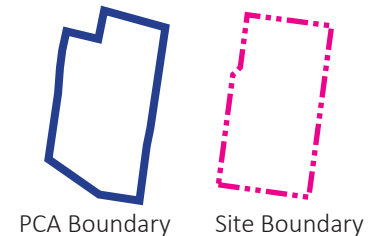
SECTION 13(D)(2)(B) 24-25



AERIAL PHOTOGRAPH

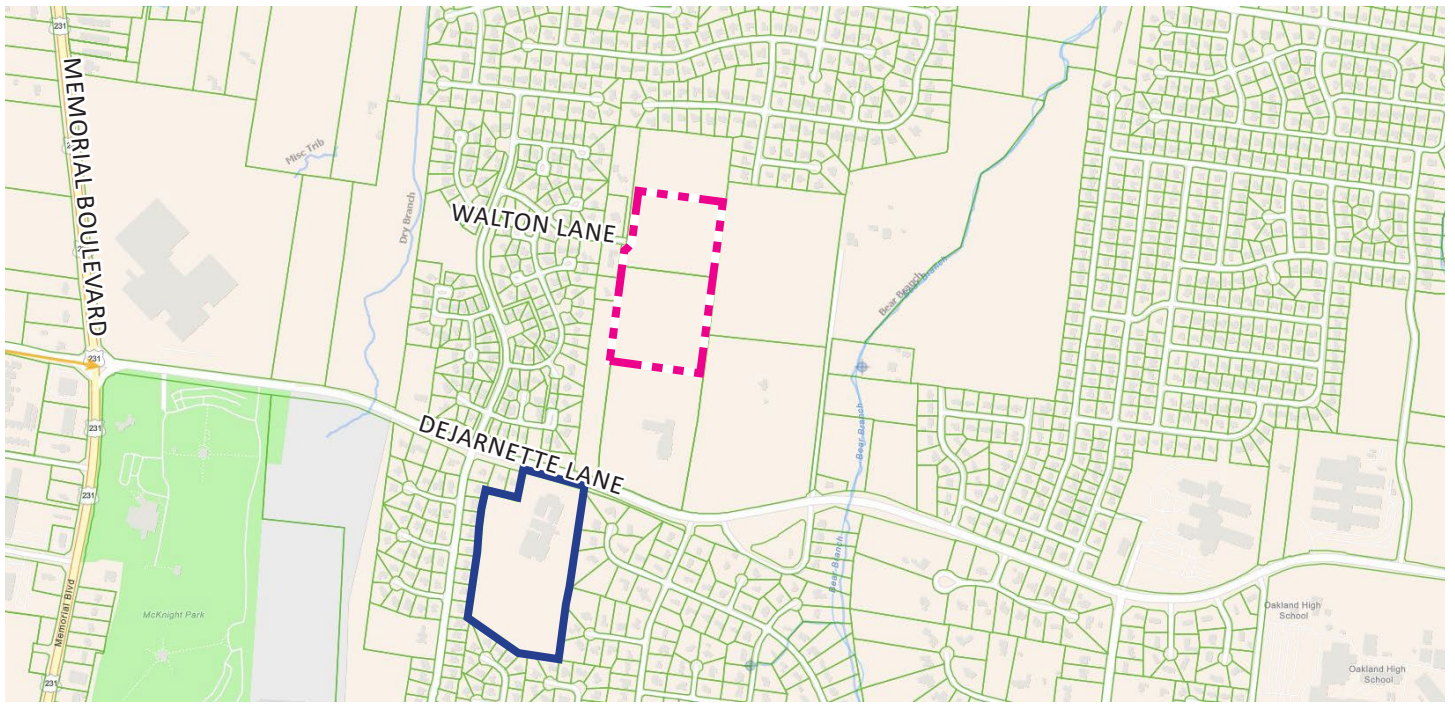
Not To Scale

-  DeJarnette Lane
-  Alexander Boulevard
-  Walton Lane
-  Memorial Boulevard- HWY 231




Providence Christian Academy (PCA) respectfully requests annexation and rezoning of the Calvary Baptist Church Property at 431 DeJarnette Lane from Medium Density Residential (RM) in Rutherford County, to a Planned Institutional District (PND) within the City of Murfreesboro to create the PCA Athletic Facility. The property is located along the northern side of DeJarnette Lane, north of Calvary Baptist Church, and at the end of the eastern stub of Walton Lane. The site is identified as a portion of Parcel 133.06 of Tax Map 68, and is approximately 9.49 acres. The project will also be using approximately 9.49 acres of Parcel 133.05 of Tax Map 68 for this development for a total of 18.98 acres. Upon the completion of this rezoning request, the existing two parcels would be subdivided into three parcels, with an access easement being provided from the existing Calvary Baptist Church to the rezoned middle parcel, with the area of this application transferring ownership to PCA.

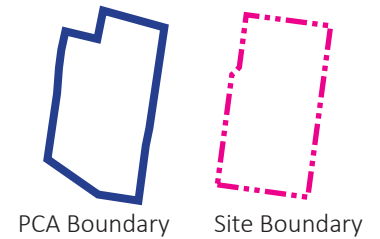
The PCA Athletic Facility shall consist of a variety of athletic fields such as; a football field, complete with running track, a combined soccer and softball field, a baseball field, and six tennis courts. The facility also proposes approximately seven complementary buildings and structures with approximately 70,386 square feet that includes; a field house, concession stand, locker rooms, storage facilities, ticket booths, bleacher seating, and bullpens/dugouts. The project will be providing a total of 606 parking spaces between two different sites, both north of DeJarnette Lane. 259 visitor parking spaces will be provided on the property, along with two bus spaces and a dedicated parking space for the event EMS. An additional 347 off-site parking spaces will be available to the development through a shared parking agreement with Calvary Baptist Church to satisfy parking requirements. A smaller parking area is proposed near the field house to provide accessibility parking and to facilitate the needs of the field house. The facility shall be encompassed by a fence to better mitigate unauthorized access to the facility. This fence shall be a black powder coated chain-link fence 6-feet in height. Access to the site shall be provided through the Calvary Baptist Church Parking Lot. A secondary means of access shall be provided from Walton Lane, this access shall be gated and used for emergency services only.



MAJOR THOROUGHFARE PLAN

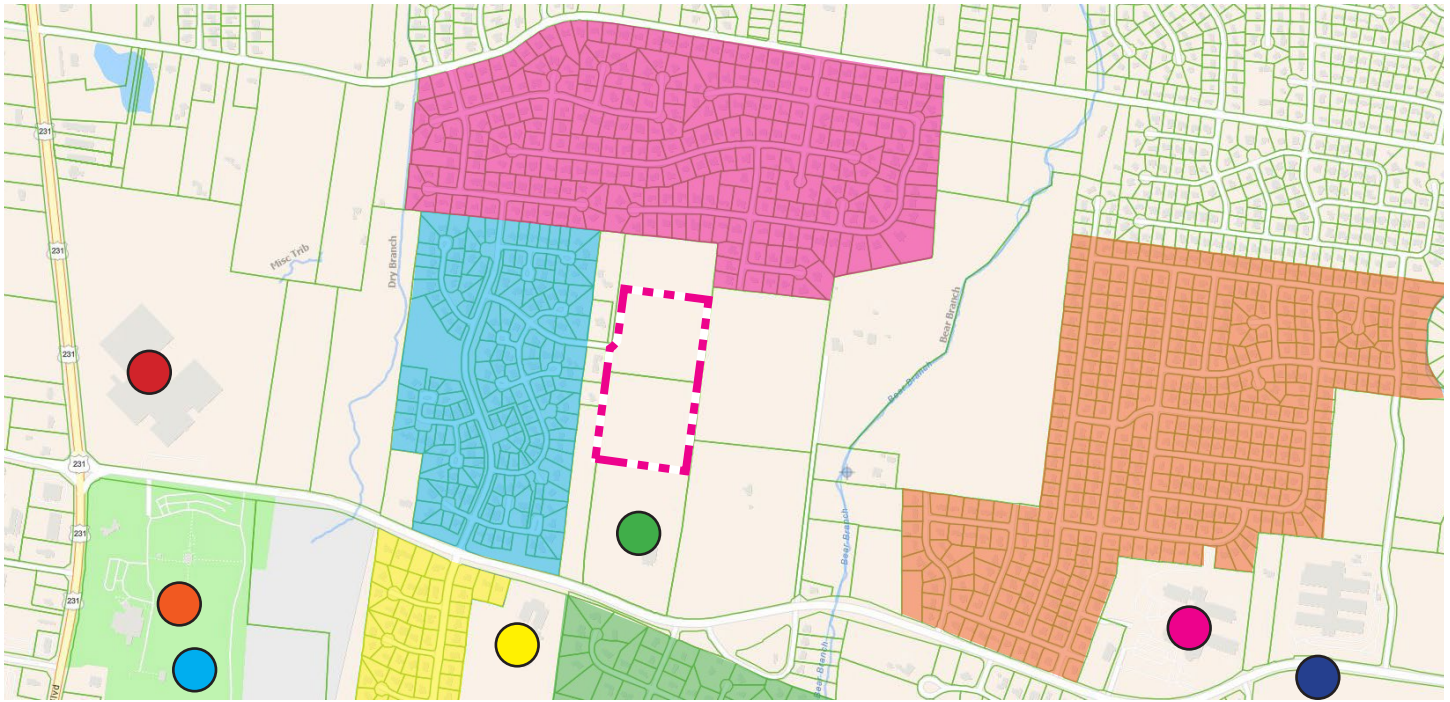
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 3 LANE ROADWAY















The property has/will have access to the existing public rights-of-way of Walton Lane (Local Street) and access to DeJarnette Lane (5-Lane Major Arterial) through a private drive connected to the existing parking network of the Calvary Baptist Church. No roadway associated with the development are on the City of Murfreesboro's Major Thoroughfare Plan or the Rutherford County Long Range Transportation Plan.

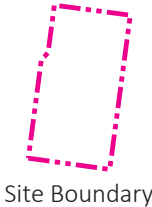
The Greenways, Blueways and Bikeways Master Plan (GBBP) identifies DeJarnette Lane with existing Bike Lane Facilities.



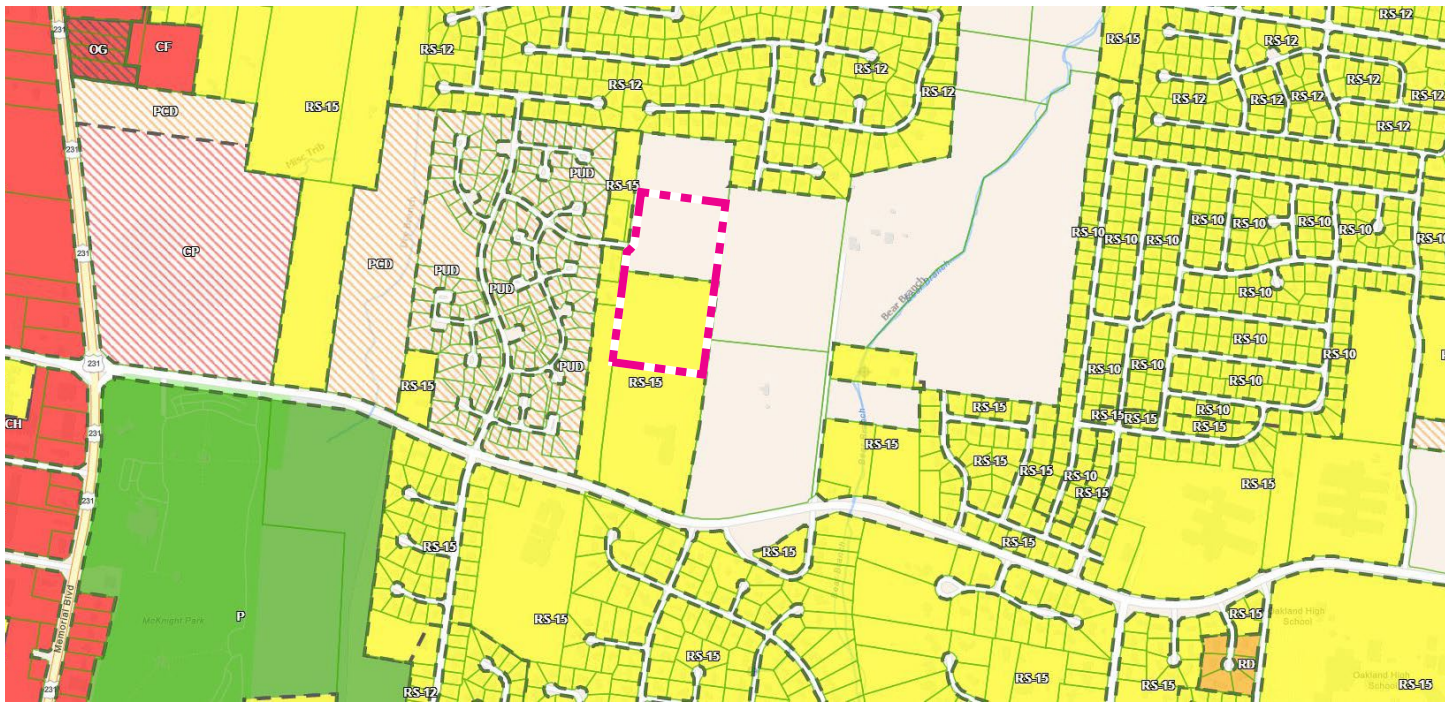
SUBDIVISION MAP

Not To Scale

 Bradford Place	 North Woods	 State Farm Operations Center	 McKnight Park
 The Hamptons	 Huntington Place	 John Pittard Elementary School	 Sportscom
 Northsprings	 Calvary Baptist Church	 Providence Christian Academy	 Oakland High School



Providence Christian Academy Athletic Field is surrounded by a mixture of residential subdivisions, agricultural properties, civic uses, and commercial properties. Bradford Place is a residential development consisting of two-story single family detached homes with side entry garages. The exterior elevations primarily consist of brick with vinyl accents. The Hamptons is a residential development consisting of two-story single family detached homes with side entry garages. The exterior elevations consist of primary brick. South of the project site is Calvary Baptist Church and Providence Christian Academy. McKnight Park, Sportscom, and State Farm Operations Center are located to the west along DeJarnette Lane. Oakland Middle and High Schools as well as John Pittard Elementary School are located to the east along DeJarnette Lane.

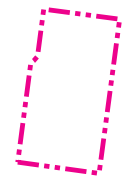


ZONING MAP

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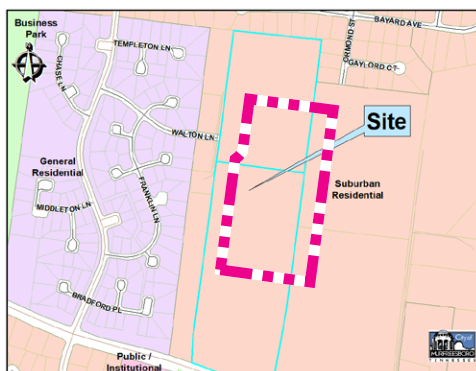
- RS-10 Residential Single-Family (RS-10)
- RS-12 Residential Single-Family (RS-12)
- RS-15 Residential Single-Family (RS-15)
- P Park (P)
- OG Office General (OG)

- CH Commercial Highway (CH)
- CF Commercial Fringe (CF)
- RM Medium Density Residential (RM) (Rutherford County)
- PCD Planned Commercial District (PUD)
- PRD Planned Residential District (PRD)



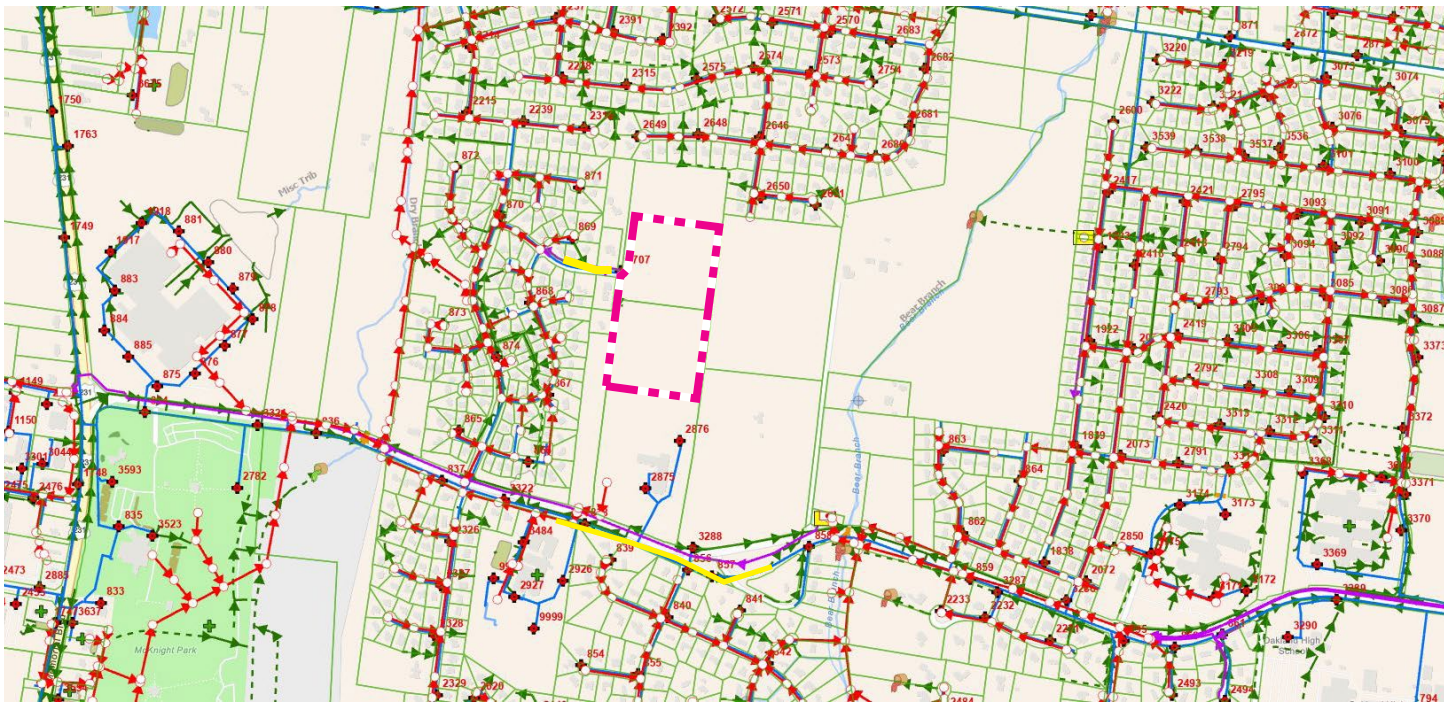
Site Boundary

The surrounding areas consist of a mixture of zoning types and uses. The lands immediately to the south and west of the site are zoned Residential Single-Family (RS-15), with the lands immediately north zoned Residential Single-Family (RS-12), both zoning types are within the City of Murfreesboro. Further west of the site is Bradford Place Subdivision, a Planned Unit District (City of Murfreesboro) and the Planned Commercial District (PCD) that is the State Farm Operations Center. The land to the south belongs to the Calvary Baptist Church and is Zoned RS-15 (City of Murfreesboro.) The lands to the east are primarily zoned Medium Density Residential (Rutherford County) with the northern corner adjacent to Residential Single Family (RS-12), City of Murfreesboro.



Murfreesboro 2035 Future Land Use Plan

The Murfreesboro 2035 Future Land Use Plan shows the site to be developed as Suburban Residential Character (SR). The land use plan recommends this site to have a maximum density of 2.0-3.54 dwelling units per acre (DU/ac). This land use recommends detached residential dwellings. Other housing types are allowed, such as Auto-Urban (General) Residential use, but the development must still provide increased open space to preserve a suburban character setting. The proposed PND does not follow the recommended use as per the Murfreesboro 20352 Land Use Plan, and instead matches the Public/Institutional land use.



UTILITY MAP

Not To Scale 



ELECTRIC



Site Boundary

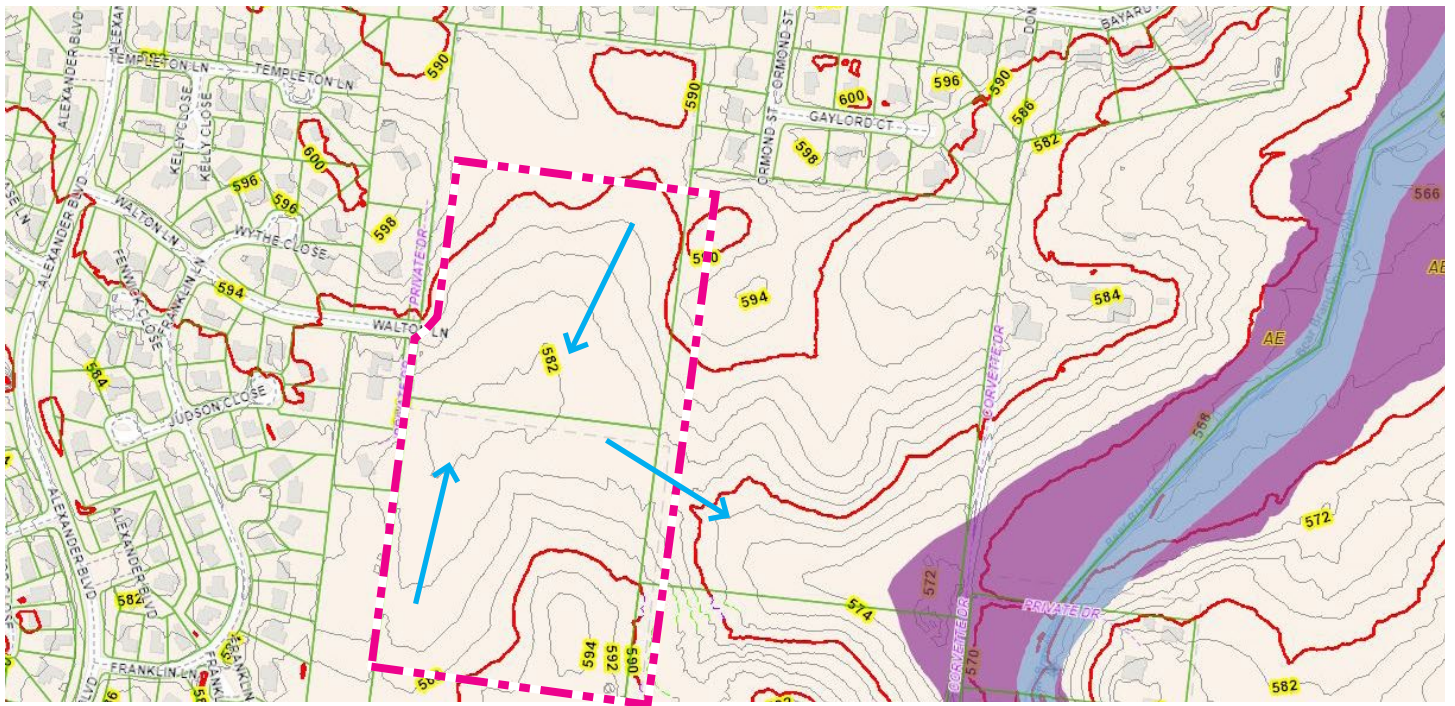


Water service will be provided by the Murfreesboro Water Resources Department. There is an existing 8" PVC water line within the Walton Lane Rights-of-Way and an 8" iron ductile water line within the Calvary Baptist Church property. The developer will be responsible for extending the water line into the site for domestic and fire water services.

Sanitary sewer service will be provided by the Murfreesboro Water Resources Department. There is an existing 8" PVC gravity sewer line within the Calvary Baptist Church property as well as an 8" force main within the Rights-of-Way of Walton Lane. The developer will be responsible for extending the sewer into this property from Calvary Baptist Church.



Electric service will be provided by Middle Tennessee Electric. Service will be extended from Walton Lane and Calvary Baptist Church. The developer will be responsible for extending the electric lines into the site, all on-site electric shall be underground.



HYDROLOGY AND TOPOGRAPHY

Not To Scale 

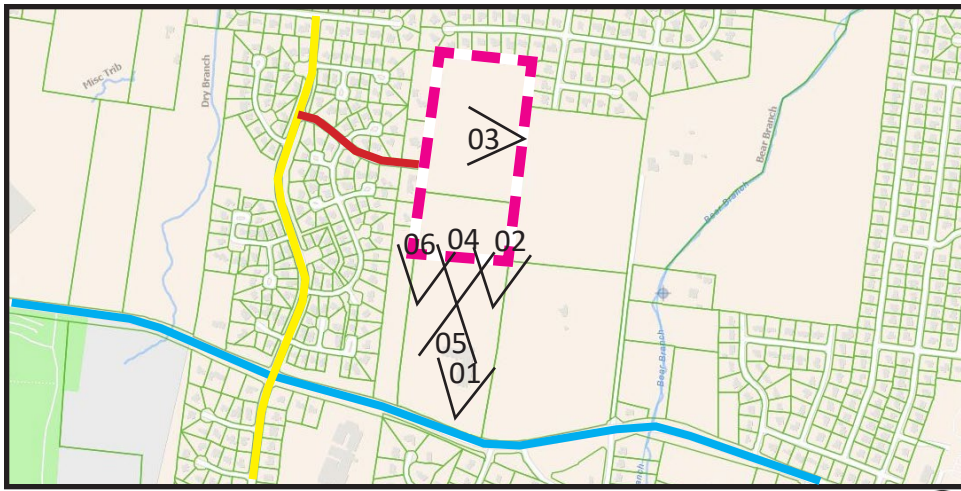
 WATER FLOW DIRECTION

 INTERMEDIATE CONTOURS

 INDEX CONTOURS


Site Boundary

The topographic map above shows the site's topographic high point generally at the south eastern corner and the northern boundary of the property. From these high points, the property drains towards the middle of the site before turning and flowing east off-site towards the Bear Branch. No portion(s) of the property lie within a floodplain or floodway per FEMA Flood Panel 47149C0163H eff. 1/4/2007.



- Dejarnette Lane
- Alexander Boulevard
- Walton Lane

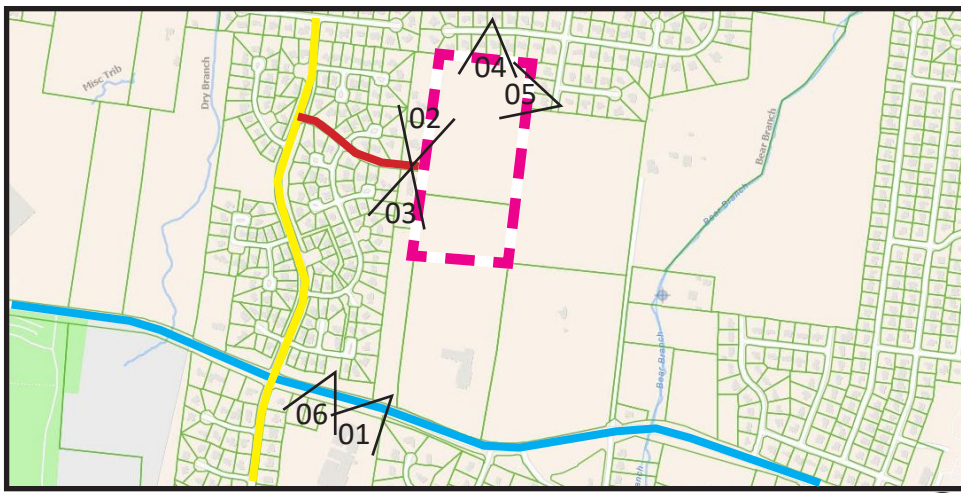


Site

PHOTO DIRECTION MAP

Not To Scale





- Dejarnette Lane
- Alexander Boulevard
- Walton Lane



Site

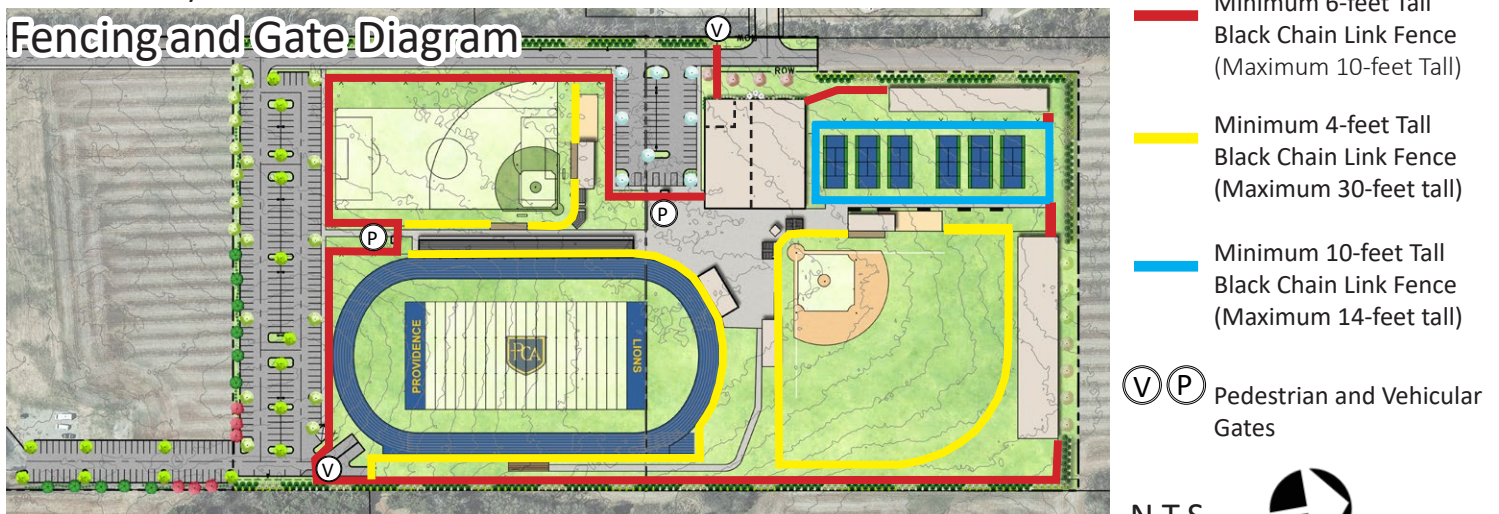
PHOTO DIRECTION MAP

Not To Scale 



Development Standards:

- Athletic Fields shall be built and lit to TSSAA Standards.
- The PCA Athletic Facility Hours of Operations and Projected Event Frequency are outlined on Page 23.
- Parking for the development shall comply with the City of Murfreesboro Zoning Ordinance for off street parking requirements via on-site parking as well as shared parking with Calvary Baptist Church on the north side of DeJarnette Land and the PCA campus on the south side of DeJarnette Lane.
- EMS parking shall be provided to insure timely medical assistance during events.
- Guests, athletes, coaches, and staff shall utilize the entrance through Calvary Baptist Church.
- The Walton Lane entrance shall be gated and restricted to emergency services only.
- The Walton Lane entrance shall be designed to comply with Murfreesboro Streets Standards.
- A Type 'C' Landscape Buffer shall be constructed along the length of the western, northern and eastern sides of the property as shown on the concept plan.
- All on-site utilities shall be underground.
- Solid waste shall be handled via a dumpster.
- Solid waste enclosures shall be constructed of masonry materials consistent with building architecture and be at least 8-feet tall with opaque gates and enhanced with landscaping.
- Prior to construction plan review, a complete and thorough design of the stormwater management system and facilities shall be completed.
- Stormwater facilities will be a mix of above ground systems and below ground storage systems.
- Sidewalks throughout the development shall provide pedestrian circulation to the various fields and facilities on site. The western private drive back to DeJarnette Lane shall include a sidewalk for pedestrian connectivity back to the PCA Athletic Field.
- All mechanical equipment (i.e. HVAC and transformers) shall be screened with landscaping or fencing.
- Fencing shown around the perimeter of the fields/courts shall be a minimum 6' tall black chain link fence. Internal fencing shall be a minimum 4' tall black chain link fence.
- The fence shall provide access via gates at the Bus/EMS parking area, at the ticket booths, and periodic gates along the eastern buffer (for maintenance)
- A parking and access agreement shall be recorded giving the owner of the sports field (anticipated to be PCA) access/permission to use the existing and expanded parking facilities of Baptist Calvary Church as generally shown on page 14.
- Field lighting will be up to 80' tall, however all lighting will comply with 0.5-foot candles at the property line.
- Parking lot and drive lighting will comply with the Murfreesboro Zoning Ordinance as 20' tall poles and 0.5-foot candles at the property line.
- Noise Abatement steps shall include:
 - Angling any speakers in a downward manner.
 - Western Perimeter shall consist of Buildings, Buffers, and Landscaping to reduce noise.
 - Northern Perimeter shall consist of Buildings, Buffers, Berms, and Landscaping to reduce noise.
 - Any speakers to be installed to direct noise inward toward field areas.
 - Noise analysis to be conducted prior to the Phase 4 (football field) site plan submittal to integrate the best available technology in the stadium/announcer structure/ and PA system to reduce the noise to adjacent residents



*Fence heights will vary depending on juxtaposition of recreational uses.

Site Data

Total Land Area: ±18.98 Acres

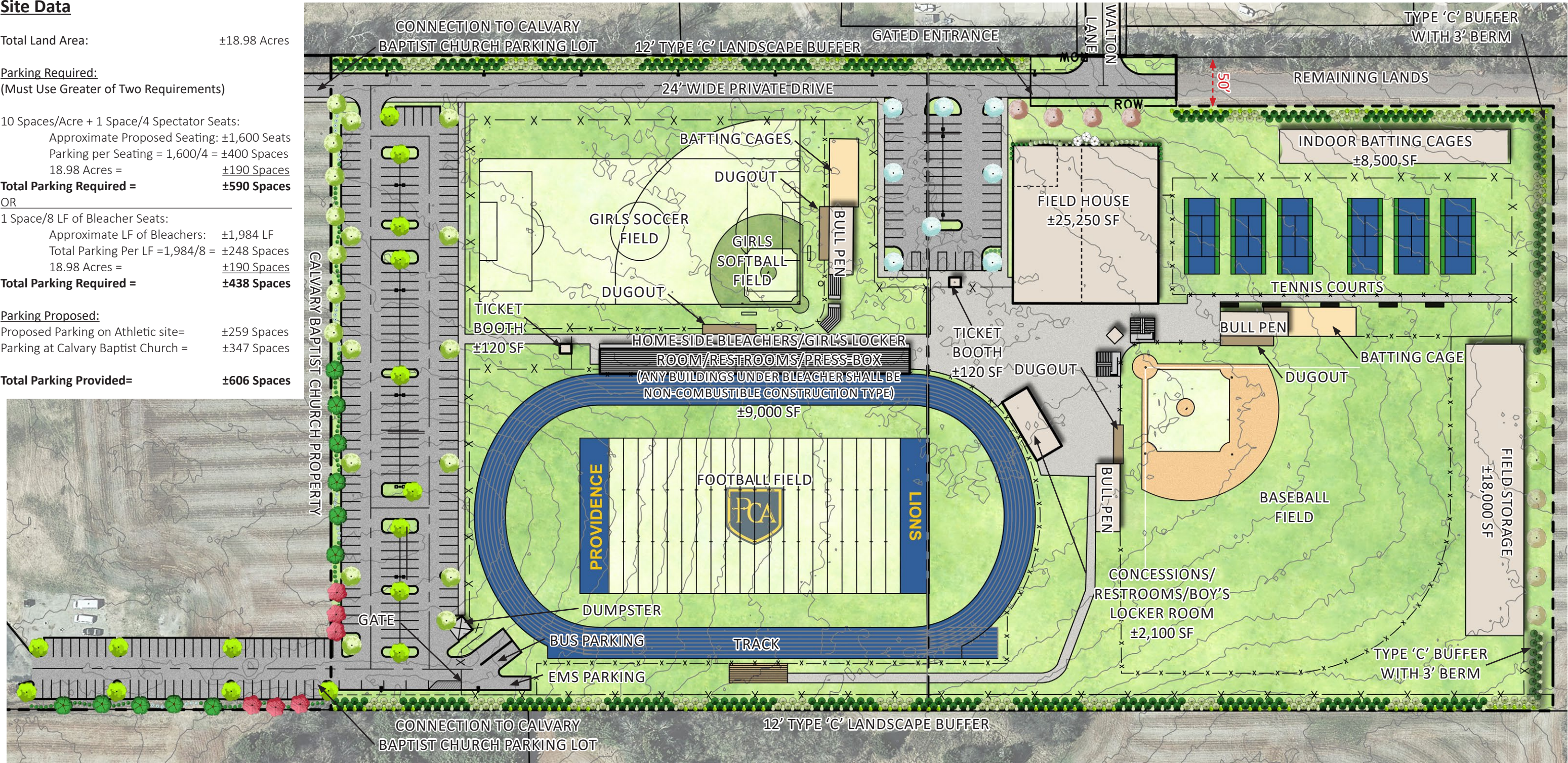
Parking Required:
(Must Use Greater of Two Requirements)

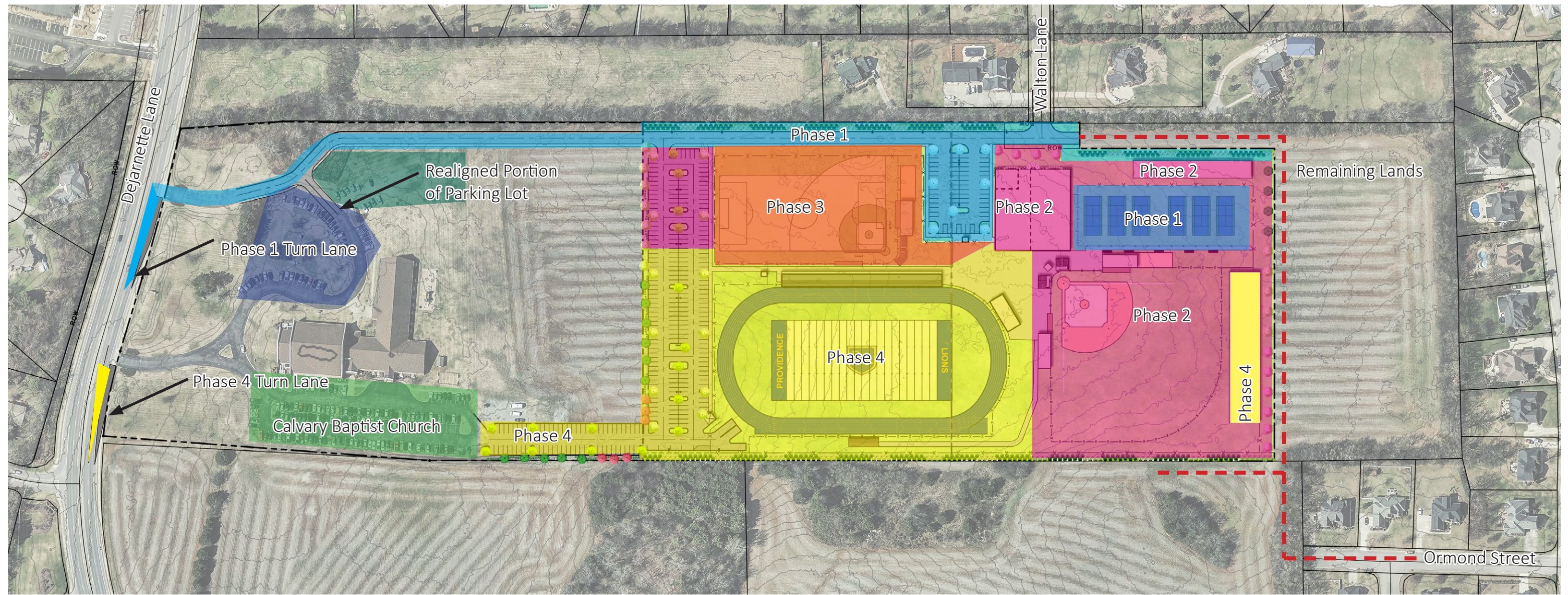
10 Spaces/Acre + 1 Space/4 Spectator Seats:
Approximate Proposed Seating: ±1,600 Seats
Parking per Seating = 1,600/4 = ±400 Spaces
18.98 Acres = ±190 Spaces
Total Parking Required = ±590 Spaces
OR

1 Space/8 LF of Bleacher Seats:
Approximate LF of Bleachers: ±1,984 LF
Total Parking Per LF = 1,984/8 = ±248 Spaces
18.98 Acres = ±190 Spaces
Total Parking Required = ±438 Spaces

Parking Proposed:
Proposed Parking on Athletic site= ±259 Spaces
Parking at Calvary Baptist Church = ±347 Spaces

Total Parking Provided= ±606 Spaces





PHASES	ACRES	FIELD/COURT	PARKING SPACES
PHASE 1	±3.50 AC	TENNIS COURTS W/ PARKING	58 SPACES
PHASE 2	±6.05 AC	BASEBALL FIELD & FIELD HOUSE	65 SPACES
PHASE 3	±2.39 AC	GIRLS SOCCER FIELD & SOFTBALL FIELD W/ PARKING	0 SPACES
PHASE 4	±7.96 AC	FOOTBALL FIELD AND TRACK W/ PARKING ON-SITE ****	136 SPACES

- The project is anticipated to be built multiple phases
- Construction of Phase 1 is planned to begin at the earliest, Summer of 2022.
- The timing of the remaining phases of construction will be donation driven.

--- Possible Future Vehicular Circulation

CAVALRY CHURCH PARKING	TOTAL PARKING COUNT
EASTERN PARKING	151 SPACES
WESTERN PARKING	42 SPACES
CHURCH PARKING EXPANSION-CURRENTLY UNDER CONSTRUCTION	91 SPACES
PHASE 4 FUTURE PARKING EXPANSION	63 SPACES

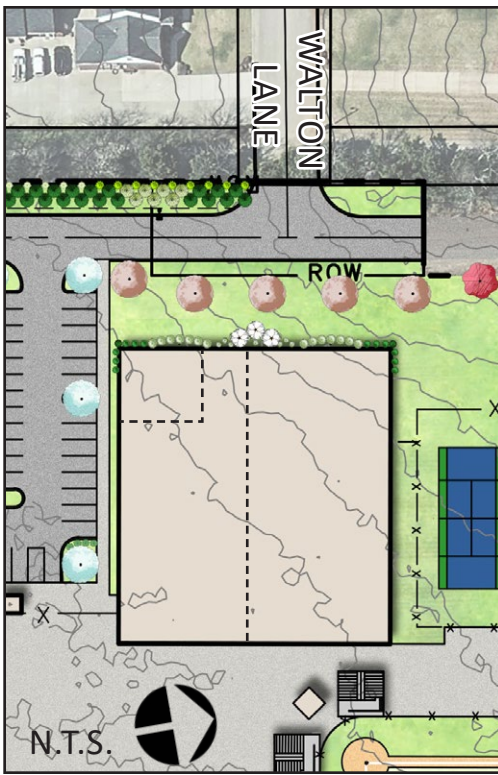
Building	Maximum ft ²	Phase
Field House	* 26,000 SQFT	2
Indoor Batting Cages	* 9,500 SQFT	2
Ticket Booth (A)	* 200 SQFT	2
Field Storage	* 18,000 SQFT	4
Concession Stand	* 2,500 SQFT	4
Girls Locker Room & Facility Restrooms & Press Box	* 14,000 SQFT	4
Ticket Booth (B)	** 200 SQFT	4

* Tabulations shown are maximum building coverages for listed structures.

** Tabulation is an estimate of the final area and is subject to change with architectural revisions, which includes all buildings.

*** A full Traffic Impact Study will be conducted for vehicles and pedestrians for a peak level event, including evaluating the intersection of DeJarnette Lane & Alexander Blvd, and any other critical intersections defined at the time by the City, prior to the Phase 4 (football field) site plan submittal

**** Noise Analysis to be conducted prior to the Phase 4 (football field) site plan submittal to integrate the best available technology in the stadium/ announcer structure/ and PA system to reduce the noise to adjacent residents



Pursuant to the City of Murfreesboro's Major Thoroughfare Plan (MTP), none of the roadways in this development are slated for improvements. DeJarnette Lane is classified Minor Arterial Roadway where the majority of vehicular trips generated by this development will impact. DeJarnette Lane is currently built as a 5-lane cross-section with curb and gutter along with sidewalks on both sides of the roadway. Turn-lanes into the site shall be built as outlined on the phasing plan. Final determination of turn lanes into the site will be made during the site plan design and review process. Walton Lane shall be used as emergency access only and is currently built as a 2-lane cross-section with curb and gutter.

As stated previously, the primary means of ingress/egress from this site will be onto DeJarnette Lane through the two Calvary Baptist Church parking lots via a east connection and west connection. These access drives shall be recorded in an access easement agreement. A parking and access agreement shall be recorded giving the owner of the sports field (anticipated to be PCA) access/permission to use the existing parking facilities of Baptist Calvary Church and back to PCA Campus. The illustration on the left shows the Walton Lane T-intersection on the western boundary of the development. The illustration on page 14 shows the proposed connections to the Calvary Baptist Church property.

All drives within the development will be private drives with a typical 24-foot cross-section.

Transportation Demand Management Plan:

This project team understands the potential traffic impact of this project is a concern to neighbors and surrounding residents. Therefore the applicant (PCA) has made the following commitments to aid in mitigating those concerns.

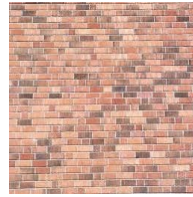
- This project will construct right turn lanes at both entrances off DeJarnette Lane
- This project will construct new parking spaces and/or utilize existing church parking spaces to allow all required parking to be located on the north side of DeJarnette Lane
- This project will construct a hammerhead at the end of Walton Lane to allow for proper turnaround of vehicles and emergency vehicles
- This project will construct emergency gates at the Walton Lane hammerhead to prevent event traffic from utilizing Walton Lane
- This project will fence its facility to deter visitors from parking on Walton Lane and walking into the facility
- PCA will hire police officers to direct traffic onto and off of DeJarnette Lane during home football games/large events.
- PCA will utilize the police officers for 1 hour before large events and 1 hour after large events to address the peak traffic periods
- PCA will utilize a traffic circulation plan during large events to direct all vehicles arriving from the west (Memorial Blvd) to enter the western entrance and all vehicles arriving from the east (Lascassas Hwy) to enter the eastern entrance.
- PCA will continue to utilize shuttling services during large events that require parking at the school campus to deter pedestrian traffic
- PCA will continue to utilize the flashing school light only when a police officer is on-site during large events and any pedestrian crossing would be directed to occur between the flashing lights
- PCA will continue to deter and take actions to limit pedestrian crossings of DeJarnette Lane
- PCA will actively monitor Walton Lane during large events to prevent parking along the street and will direct violators to park at the correct locations
- This project will realign the "bend" in the Calvary Baptist Parking lot going to DeJarnette Lane and will be paralleled by a sidewalk.
- This project will add approximately 10' of asphalt on the western entrance of Cavalry Church to provide 3-lanes for the first 250' of driveway.
- A full Traffic Impact Study will be conducted for vehicles and pedestrians for a peak level event, including evaluating the intersection of DeJarnette Lane & Alexander Blvd, and any other critical intersections defined at the time by the City, prior to the Phase 4 (football field) site plan submittal

Architectural Characteristics:

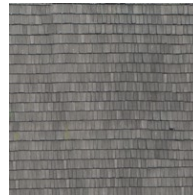
- Building heights shall not exceed 35 feet with the exception of proposed bleachers/press-box
- All buildings will be 1-3 stories
- All buildings elevations to be refined at site plan level.
- All buildings over 5,000 s.f. will require an architect to design and stamp.



Example of Stone Veneer (Different colors will be allowed)



Example of Brick Veneer (Different colors will be allowed)



Example of Architectural Roofing Shingles (Different colors will be allowed)



Example of Metal Roofing (Different colors will be allowed)

Building Materials:

Primary:

All Elevations: Brick and/or Stone

Secondary:

All Elevations: Brick and/or Stone

Trim/Awnings:

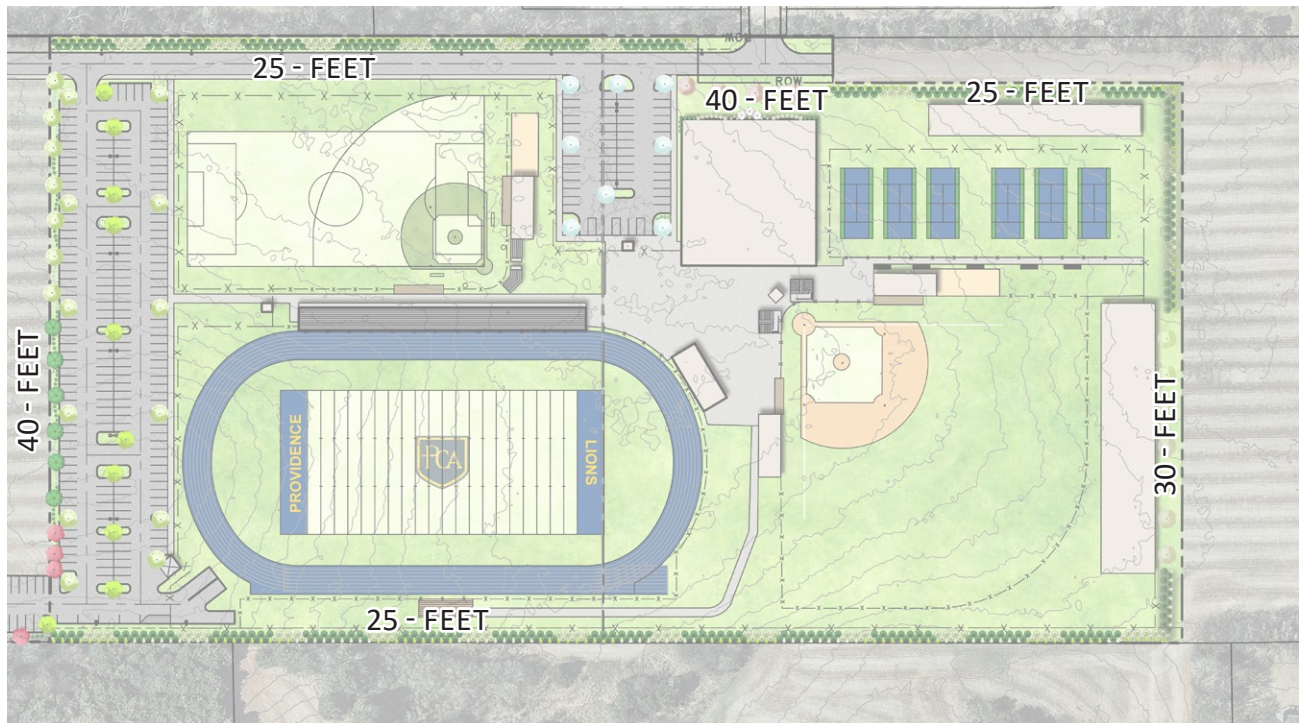
All Elevations: Metal

Roofing Materials: Architectural Shingles
Metal Roofing

Setbacks External to the Site

Front (Calvary Baptist Church): 40-feet
Side: 25-feet
Rear: 30-feet
Walton Lane ROW: 40-feet

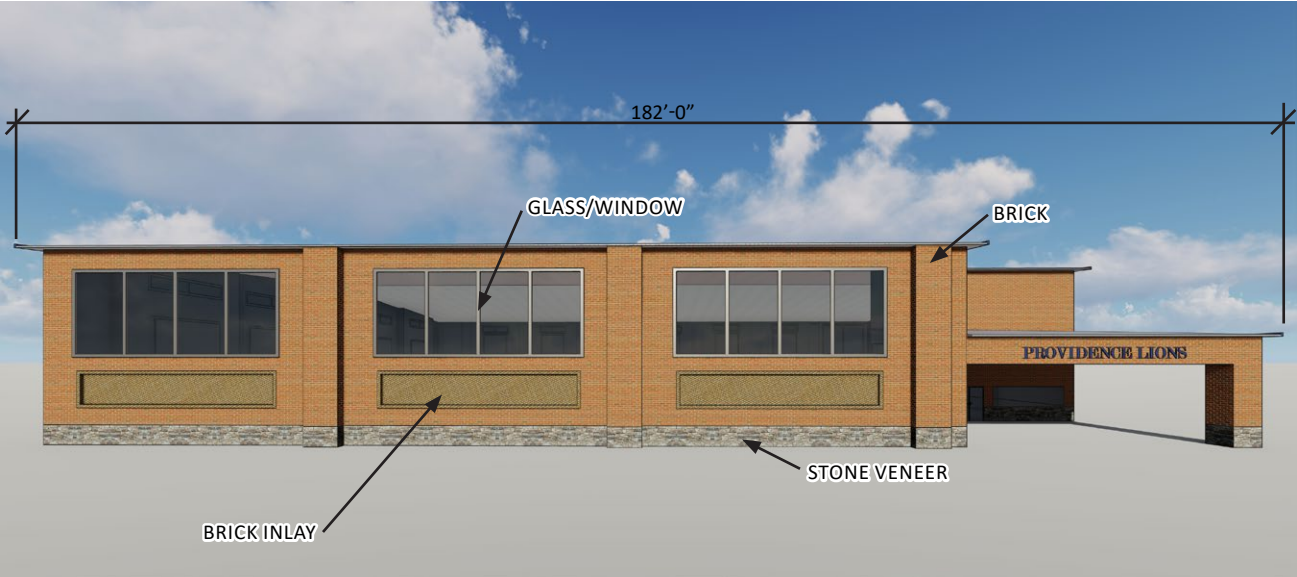
N.T.S.



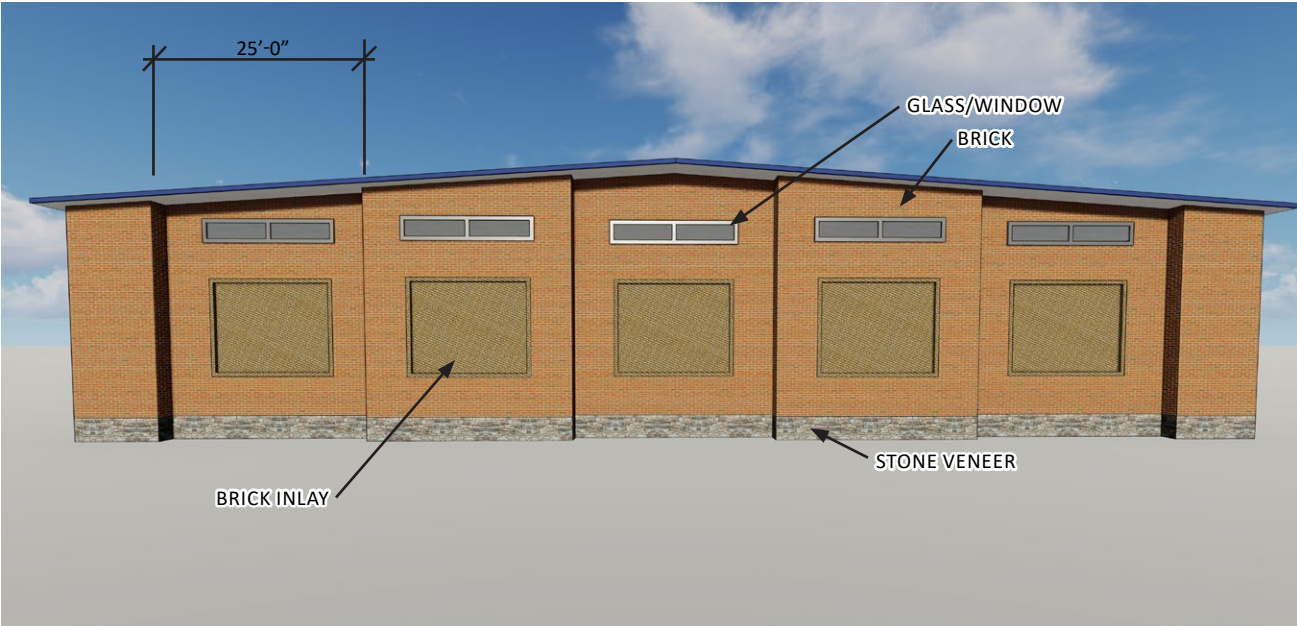
Fieldhouse Elevations



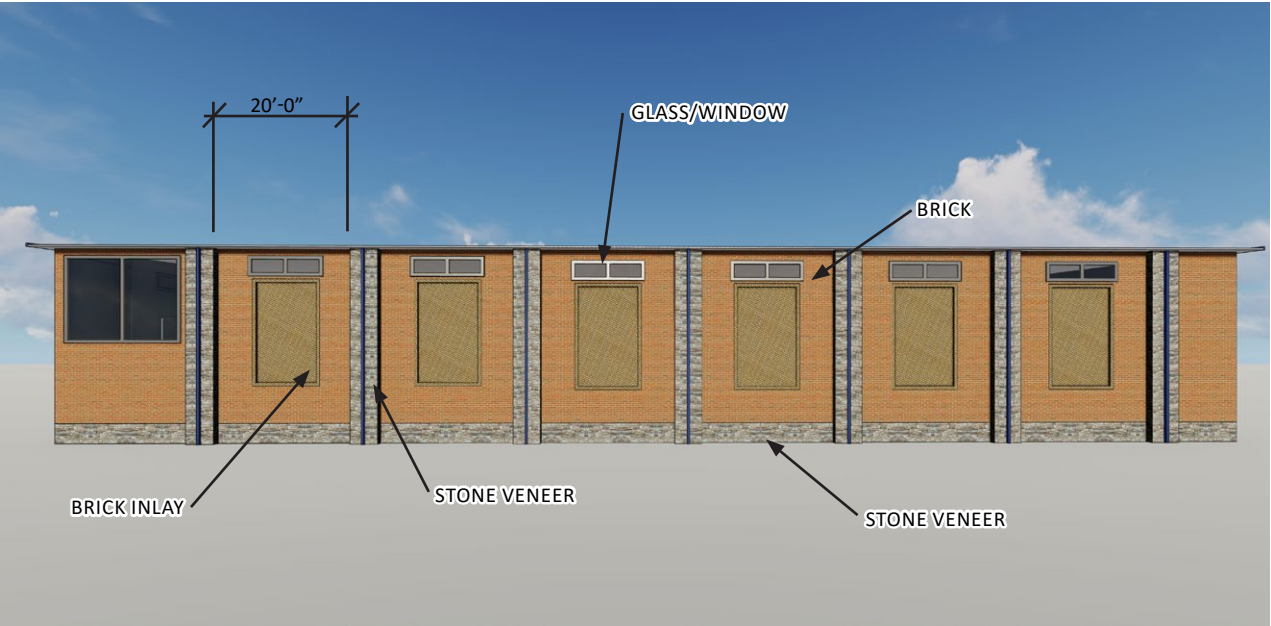
Elevation Facing Parking Lot (South)



Elevation Facing Future Street (West)



Elevation Facing Tennis Courts (North)



Elevation Facing Baseball Fields (East)

*The provided sample architecture does not represent the final product and is conceptual in nature. Final architectural elevations shall be submitted and approved by the Planning Commission during site plan submittal.

Concession Stand/Restroom/ Boy's Locker Room Elevations



Elevation Facing Visitor Dugouts (Northeast)



Elevation Facing Parking Lot (Southwest)



Elevation Facing Football Field (Southeast)



Elevation Facing Homeplate (Boys Baseball) (Northeast)

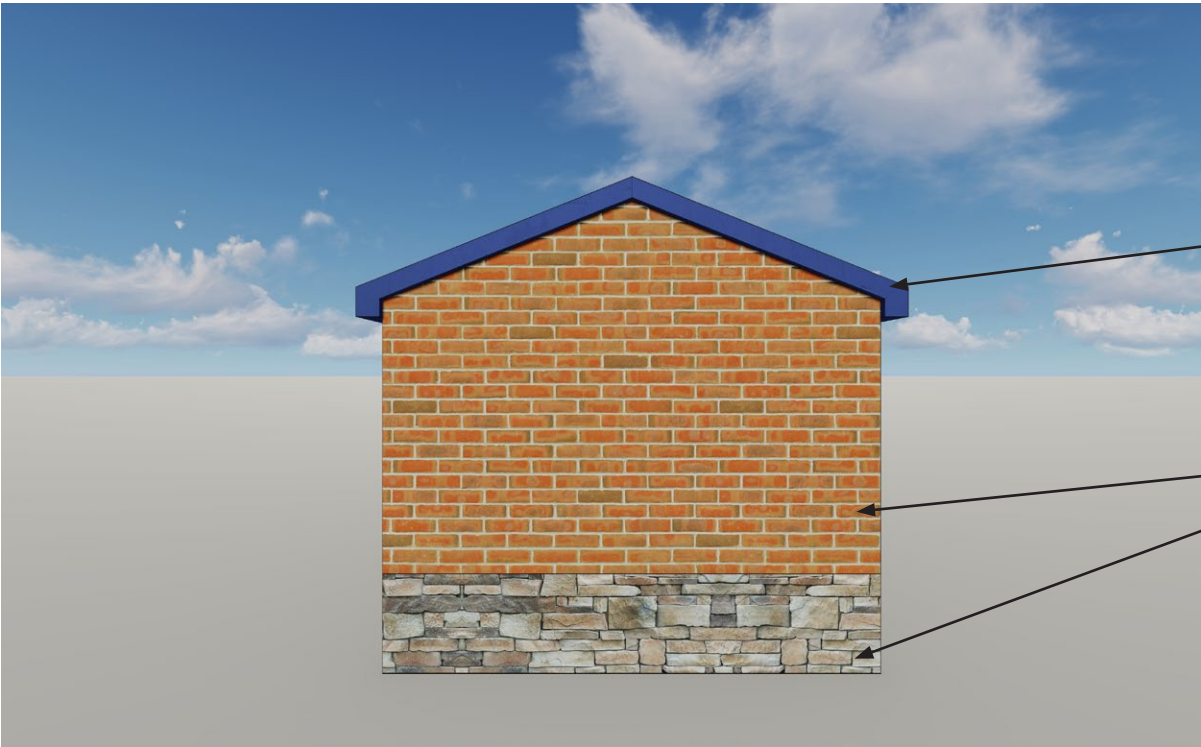
Ticket Booth Elevations



Elevation of Ticket Window



Elevation of Ticketbooth Entry



Elevation of Ticketbooth Rear



Elevation of Ticketbooth Side

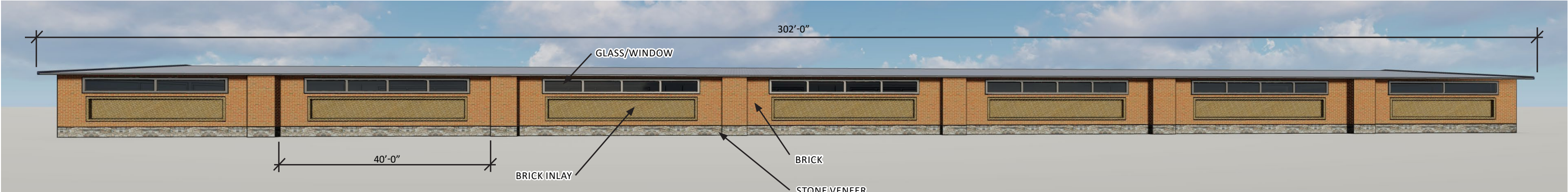
Storage Building



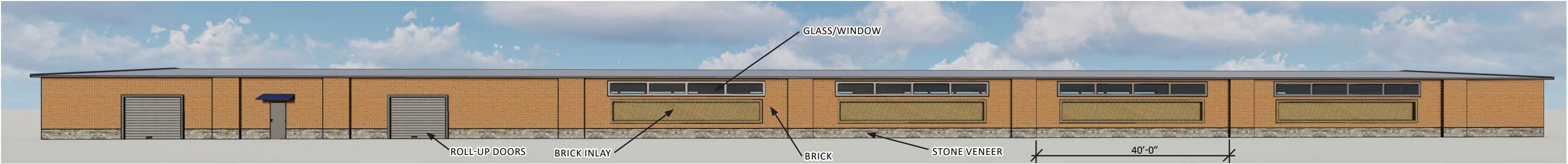
Elevation Facing Buffer (East)



Elevation Facing Tennis Courts (West)

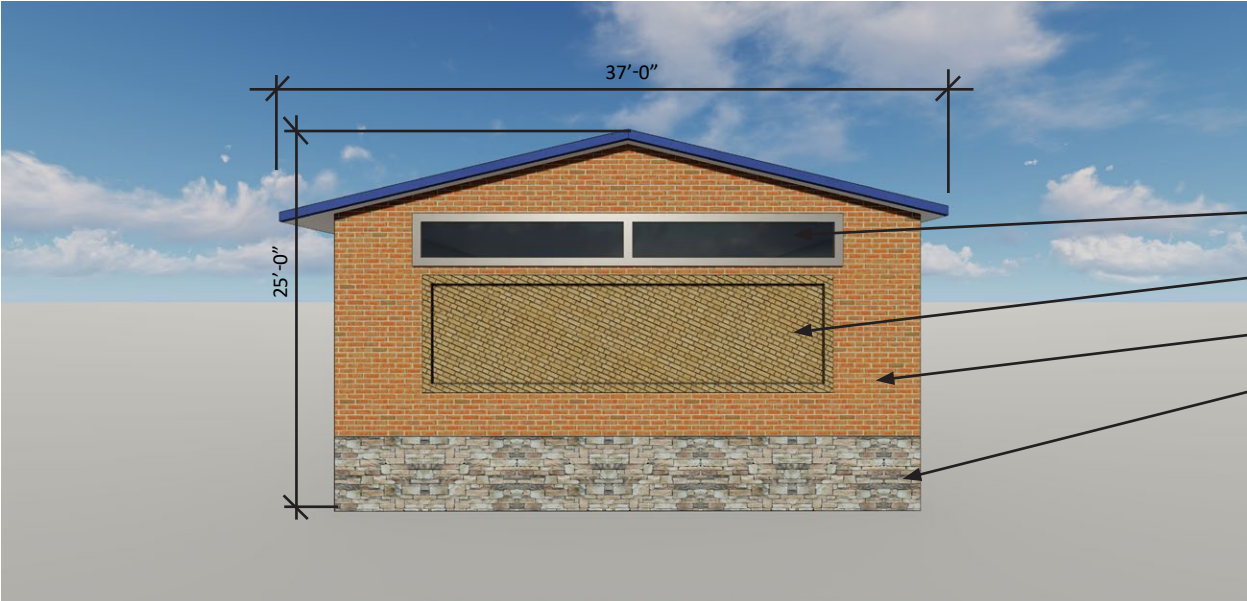


Elevation Facing Remaining Lands (North)



Elevation Facing Baseball Field (South)

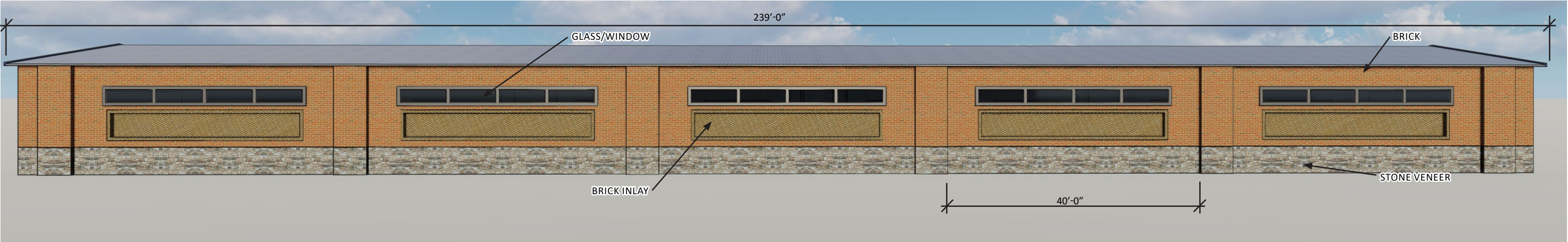
Indoor Batting Cages



Elevation Facing Fieldhouse (South)



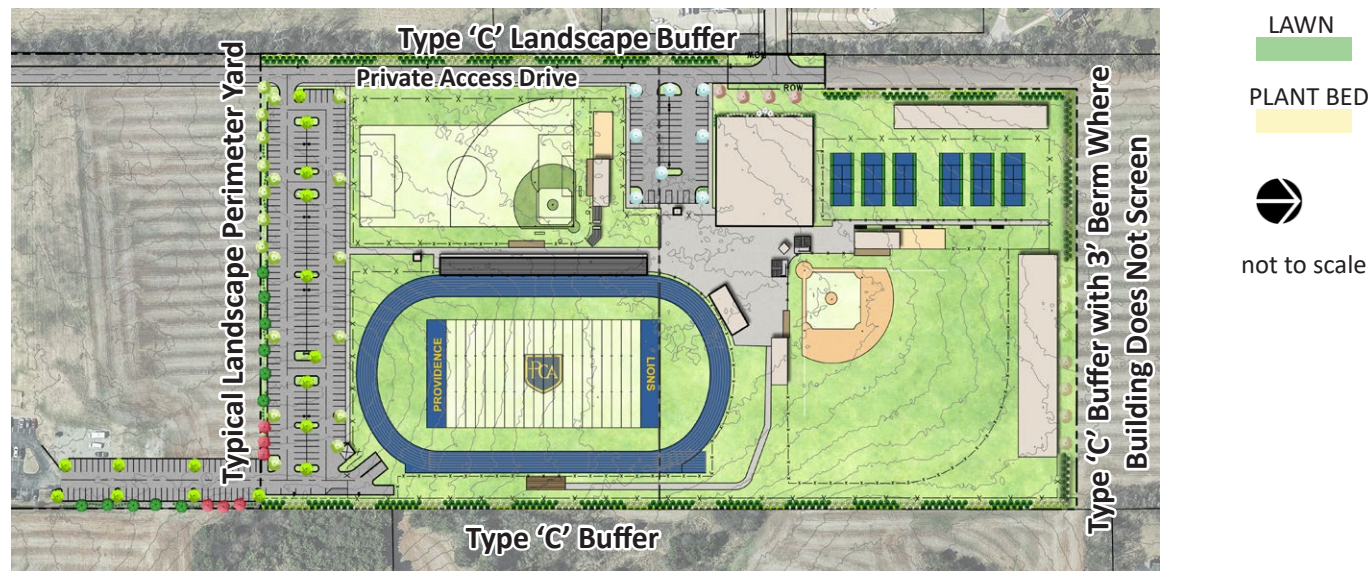
Elevation Facing Remaining Lands (North)



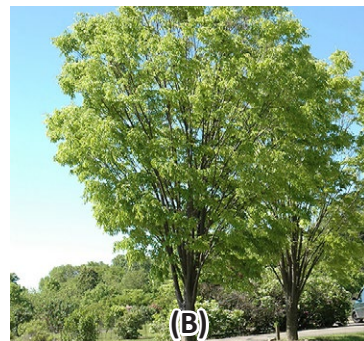
Elevation Facing Future Right of Way (West)



Elevation Facing Tennis Courts (East)



LANDSCAPE MATERIALS SAMPLES: DECIDUOUS TREES



- (A) Ulmus parvifolia 'Emer II' / 'Emer II' Alle Elm
 (B) Zelkova serrata 'Green Vase' / Sawleaf Zelkova
 (C) Buxus x 'Green Mountain' / Boxwood
 (D) Prunus laurocerasus 'Otto Luyken' / Luykens Laurel
 (E) Lagerstroemia indica 'GAMAD VI' / Berry Dazzle Crape Myrtle
 (F) Miscanthus sinensis 'Adagio' / Adagio Eulalia Grass
 (G) Liriope spicata 'Silver Dragon' / Creeping Lily Turf
 (H) Setcreasea pallida 'Purple Heart' / Purple Heart Setcreasea

- (I) Iberis sempervirens 'Little Gem' / Little Gem Candytuft
 (J) Liriope muscari 'Variegata' / Variegated Lily Turf
 (K) Magnolia grandiflora 'D.D. Blanchard' TM / Southern Magnolia
 (L) Thuja standishii x plicata 'Green Giant' / Green Giant Arborvitae
 (M) Cryptomeria Japonica 'Radi-cans' / Japanese Cedar
 (N) Viburnum x pragense / Prague Viburnum
 (O) Prunus laurocerasus 'Schipkaensis' / Schipka Laurel

LANDSCAPE MATERIAL SAMPLES: EVERGREEN/DECIDUOUS SHRUBS AND GRASSES



LANDSCAPE MATERIAL SAMPLES: GROUND COVER



LANDSCAPE BUFFER: EVERGREEN TREES & SHRUBS



The site has been designed with ample landscaping to provide not only an aesthetically pleasing experience for students, athletes, families and guests, but to aid in mitigating impacts to the surrounding areas. To ensure these characteristics, some standards are outlined below as well as a sample palette provided.

Landscaping Characteristics:

- A minimum 10-feet of landscape area between parking and all property lines.
- Public rights-of-way screened from parking by use of landscaping and/or berming.
- The eastern and western perimeters of the property will have a 12 foot wide Type 'C' Landscape Buffer planted consisting of a double staggered row of evergreen trees planted 8-feet on center to provide screening for the adjacent properties and their residents. Evergreen trees will be a minimum of 6-feet tall at the time of planting. In addition to the evergreen trees, single row of evergreen shrubs will fill in the gaps between the evergreen trees during the first few years of the buffer till the trees mature and fill in the buffer. The evergreen shrubs will be a minimum 2-feet tall at the time of planting.
- The northern and southern boundaries shall have a typical 10-foot perimeter planting yard.
- All above ground utilities and mechanical equipment screened with landscaping and/or fences/walls.
- Solid waste enclosure screened with a masonry wall and enhanced with landscaping.
- The development is requesting that the required 3-feet wide base of building planting area shall only be required along the following building elevations:
 - Field House - Northern, western, and southern elevations. (eastern side exempted)
 - Indoor Batting Cages - Southern, western, and northern elevations. (eastern side exempted)
 - Field Storage Building - Northern, western and eastern elevation. (southern side exempted)
- Landscaping will be in conformance with the City of Murfreesboro's Landscaping Ordinance.
- Berms shall have a 5 foot wide top and be built at a 3:1 slope.

PCA Athletic Facility Estimated Operations Schedule:

Hours of operation: During school calendar-year

Sunday: 1:00 PM - 7:00 PM
Monday - Thursday: 3:00 PM - 10:00 PM
Friday: 3:00 PM - 10:30 PM
Saturday: 3:00 PM - 10:00 PM

Hours of Operation: During Summer

June and July:
Monday-Saturday: 8:00 AM -10:00 PM
Sunday:..... 1:00 PM - 7:00 PM

Anticipated Maximum capacity for entire facility per season:

Summer:
0-200 people max per day

Fall:
Friday Night Football:
Total max capacity 1600 for home games (projected at least 5 years from now based on current enrollment)
Current enrollment in High School =219 and Football team = 25 players

Thursday night Middle School football: 500 max capacity (projected at least 5 years from now)

Monday- Thursday: (MS Tennis, Girls’ Soccer, Cross country) max 250 people

Estimated home games:
High School Football: 6
Girls soccer: 8
Middle School Football: 5
Cross country: 2

Winter:
Max per day 100 : December - January

Spring:
Max per day 0-350 Home games (baseball, tennis, soccer, track)

Estimated home games:
Baseball: 25
Tennis: 8
Soccer:..... 8
Track and field: 2

1.) A map showing available utilities, easements, roadways, rail lines and public right-of-way crossing and adjacent to the subject property.

Response: An exhibit is given on Pages 4-9 along with descriptions of each.

2.) A graphic rendering of the existing conditions and/or aerial photograph(s) showing the existing conditions and depicting all significant natural topographical and physical features of the subject property; location and extent of water courses, wetlands, floodways, and floodplains on or within one hundred (100) feet of the subject property; existing drainage patterns; location and extent of tree cover; and community greenways and bicycle paths and routes in proximity to the subject property.

Response: Exhibits and photographs on Pages 4-9 provide the required information to meet the aforementioned requirements. No portions of the property are subject to floodplains, and the site ultimately drains to the Bear Branch.

3.) A plot plan, aerial photograph, or combination there of depicting the subject and adjoining properties including the location of structures on-site and within two hundred (200) feet of the subject property and the identification of the use thereof.

Response: Exhibits and photographs on Pages 4-9 provide the required information to meet the aforementioned requirements.

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

Response: Page 13 is the exhibit showing the concept plan that defines the locations of buildings, parking. Page 12 contains site standards, while Page 15 illustrate ingress/egress points as well as site circulation.

5.) a circulation diagram indicating the proposed principal movement of vehicles, bicycles, goods, and pedestrians within the development to and from existing thoroughfares;

Response: Page 14 shows the proposed principal movement of vehicles through the site.

6.) If the planned development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating:

(aa) the approximate date when construction of the project can be expected to begin;

(bb) the order in which the phases of the project will be built; and,

(cc) the minimum area and the approximate location of common space and public improvements that will be required at each phase.

Response: The project is anticipated to be developed in four phases. Development is anticipated to begin Summer 2022. A full Traffic Impact Study will be conducted for vehicles and pedestrians for a peak level event, including evaluating the intersection of DeJarnette Lane & Alexander Blvd, and any other critical intersections defined at the time by the City, prior to the Phase 4 (football field) site plan submittal. Noise Analysis to be conducted prior to the Phase 4 (football field) site plan submittal to integrate the best available technology in the stadium/ announcer structure/ and PA system to reduce the noise to adjacent residents.

7.) A written statement generally describing the relationship of the planned development to the current policies and plans of the City and how the proposed planned development is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of this article

Response: The proposed property is currently zoned RM within Rutherford County. The surrounding area has a mixture of residential, civic, and commercial properties. The concept plan and development standards combined with the architectural requirements of the buildings shown within this booklet align and closely mimic the type of developments in the surrounding areas and are envisioned to complete the development in the area. Institutional uses, schools, and their athletic facilities are considered compatible uses with all other land areas.

8.) A statement setting forth in detail either (1) the exceptions which are required from the zoning and subdivision regulations otherwise applicable to the property to permit the development of the proposed planned development or (2) the bulk, use, and/or other regulations under which the planned development is proposed.

Response: The applicant is requesting the following setback, lot size, lot width, and building height exceptions to the comparative RS-15 zone district with this PND. A request for an exception for the 3-feet base of building plantings as per page 22.

SETBACKS	RS-15	PND	DIFFERENCE
Front Setback	40.0'	40.0'	0.0'
Walton Lane	40.0'	40.0'	0.0'
Side Setback	10.0'	25.0'	+15.0'
Rear Setback	20.0'	30.0'	+10.0'
Minimum Lot Size	15,000 SF	N/A	N/A
Minimum Lot Width	75.0'	N/A	N/A
Maximum Building Height	35.0'	35.0'	0.0'
Maximum Lighting/Speaker Pole Height	16.0'	80.0'	+64.0'

9.) A tabulation of the maximum floor area proposed to be constructed, the F.A.R. (Floor Area Ratio), the L.S.R. (Livability Space Ratio), and the O.S.R. (Open Space Ratio). These tabulations are for the PND, as there are no requirements for these in the comparative RS-15 zone district.

	PND	RS-15
TOTAL SITE AREA	827,064 s.f.	N/A
TOTAL MAXIMUM FLOOR AREA	100,000** s.f.	N/A
TOTAL LOT AREA	(18.98 AC) 827,064 s.f.	N/A
TOTAL BUILDING COVERAGE	(8.5%) 70,400* s.f.	N/A
TOTAL DRIVE/ PARKING AREA	111,273 s.f.	N/A
TOTAL RIGHT-OF-WAY (Walton Lane)	7,850 s.f.	N/A
TOTAL LIVABLE SPACE	N/A	N/A
TOTAL OPEN SPACE	(77%) 640,038 s.f.	20%
FLOOR AREA RATIO (F.A.R.)	0.12	N/A
LIVABILITY SPACE RATIO (L.S.R.)	0.90	N/A
OPEN SPACE RATIO (O.S.R.)	0.91	N/A

*Tabulations for building coverage and maximum floor area do not include ticket booths or dugouts.

**Tabulation is an estimate of the final area and is subject to change with architectural revisions, which includes all buildings except ticket booths and dugouts.

10.) The nature and extent of any overlay zone as described in Section 24 of this article and any special flood hazard area as described in Section 34 of this article.

Response: This property is not in the Gateway Design Overlay District, Airport Overlay District, Historic District, Planned Signage Overlay District, or the City Core Overlay District. No portion of the property is within the floodway or floodplains, according to the current FEMA Map Panel 47149C0163H Eff. Date 01/04/2007.

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

Response: Pages 5 & 15 discuss the Major Thoroughfare Plan

12.) The name, address, telephone number, and facsimile number of the applicant and any professional engineer, architect, or land planner retained by the applicant to assist in the preparation of the planned development plans. A primary representative shall be designated

Response: See Page 2 for applicant and involved parties.

13.) Architectural renderings, architectural plans or photographs of proposed structures with sufficient clarity to convey the appearance of proposed structures. The plan shall include a written description of proposed exterior building materials including the siding and roof materials, porches, and decks. And an exterior lighting plan.

Response: Pages 16 - 21 show the conceptual architectural character of the proposed buildings and building materials listed. However, exact configuration for these items is unknown and will be determined as each building is built.

14.) The application shall include a description of proposed signage for the development including calculations of square footage and height. If a development entrance sign is proposed the application shall include a description of the proposed entrance sign improvements including a description of lighting, landscaping, and construction materials. The location and proposed improvements of any street depicted on the Murfreesboro Major Thoroughfare Plan as adopted and as it may be amended from time to time.

Response: No signage is currently proposed at this time, however signage will be allowed with future submittals so long as signage meets requirements of the Murfreesboro Signage Ordinance.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 13, 2021

6:00 P.M.

CITY HALL

MEMBERS PRESENT

Kathy Jones, Chair
Ken Halliburton, Vice-Chair
Jami Averwater
Rick LaLance
Warren Russell
Chase Salas
Shawn Wright

STAFF PRESENT

Greg McKnight, Planning Director
Matthew Blomeley, Assistant Planning Director
Marina Rush, Principal Planner
Holly Rush, Principal Planner
Joel Aguilera, Planner
Carolyn Jaco, Recording Assistant
Roman Hankins, Assistant City Attorney
David Ives, Deputy City Attorney
Sam Huddleston, Executive Dir. Dev. Services

1. Call to order

Chair Kathy Jones called the meeting to order at 6:00 p.m.

2. Determination of a quorum

Chair Jones determined that a quorum was present.

3. Approve minutes of the September 15, 2021, Planning Commission meeting.

Mr. Warren Russell moved to approve the Minutes of the September 15, 2021 meeting; the motion was seconded by Mr. Chase Salas and carried by the following vote:

Aye: Kathy Jones
Ken Halliburton
Jami Averwater
Rick LaLance
Warren Russell
Chase Salas
Shawn Wright

Nay: None

4. Public Hearings and Recommendations to City Council:

Zoning application [2021-418] for approximately 8.4 acres located along Bridge Avenue to be rezoned from RS-10 to CF and approximately 1 acre to be rezoned from H-I to CF, City

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 13, 2021

Chair Kathy Jones closed the public hearing.

There being no further discussion, Mr. Rick LaLance moved to approve the annexation and plan of services subject to all staff comments; the motion was seconded by Mr. Shawn Wright and carried by the following vote:

Aye: Kathy Jones

Ken Halliburton

Jami Averwater

Rick LaLance

Warren Russell

Chase Salas

Shawn Wright

Nay: None

Zoning application [2021-420] for approximately 9.5 acres located north of DeJarnette Lane to be rezoned from RS-15 to PND (Providence Christian Academy Athletic Facility PND) and approximately 9.7 acres to be zoned PND simultaneous with annexation, Providence Christian Academy applicant.

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

Mr. Matt Taylor (design engineer) and Ms. Tara James (PCA representative) were in attendance to represent the application. Mr. Taylor gave a PowerPoint presentation of the Pattern Book, which Pattern Book is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

Chair Kathy Jones opened the public hearing.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 13, 2021

1. **Mr. Ben Carpenetti, 2711 Ormond Street** – opposes the zoning application due to the increase in school traffic, flooding, noise, light pollution, etc. He requested for traffic signals be installed along DeJarnette Lane.
2. **Mr. Keith Shaver, 571 DeJarnette Lane** – opposes the zoning application. His concern is drainage on an artificial turf football field.
3. **Mr. William Campbell, 819 Templeton Lane** – opposes the zoning application. He has concerns with lights, traffic, and PA speakers installed for a football field creating noise pollution.
4. **Mr. Tim Durham, 595 DeJarnette Lane** – is in favor of the proposal. However, he has drainage concerns with Bear Branch Creek due to the volume of water that runs through his property.
5. **Ms. Kristie Atkins, 2725 Ormond Street** – opposes the zoning application. She has concerns with traffic and noise.
6. **Mr. Steve McGarry, 1173 Gaylord Court** – opposes the zoning application because he feels it would affect the value of the homes in the area.
7. **Mr. Alan Parker, 1142 Bayard Avenue** – opposes the zoning application. He asked for a berm be in place to address lights and noise pollution.
8. **Mr. Barry Edwards, 925 Walton Lane** – opposes the zoning application.
9. **Ms. Rosemary Duzor, 1134 Bayard Avenue** – opposes the zoning application due to increase in traffic.
10. **Mr. Church Arnett, 924 Walton Lane** – supports the zoning application.

There being no further speakers, Chair Jones closed the public hearing.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 13, 2021

The Planning Commission discussed the various concerns of the residents and how to address them in the plan.

There being no further discussion, Vice-Chairman Halliburton moved to approve the zoning application subject to all staff comments including revisions to the pattern book addressing the following:

- Maximum height of 80-feet for light poles.
- Base of building planting requirements for the interior buildings would not be required.
- Traffic impact study required at the time of site plan review for Phase 4 (i.e., the football stadium).
- Sound level for the PA system along the northwest side of the development.
- Berm will include trees.

The motion was seconded by Mr. Rick LaLance and carried by the following vote:

Aye: Kathy Jones

Ken Halliburton

Jami Averwater

Rick LaLance

Warren Russell

Chase Salas

Shawn Wright

Nay: None

Annexation petition and plan of services [2021-504] for approximately 2.4 acres located south of South Rutherford Boulevard, James Allen Huskey applicant. Ms. Holly Smyth presented the Staff Comments regarding this item, a copy which is maintained in the permanent files of the Planning Department and incorporated into these Minutes by reference.

Mr. James Huskey (applicant) was in attendance representing the application.

ORDINANCE 21-OZ-34 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 9.5 acres located north of DeJarnette Lane to Planned Institutional Development (PND) District (Providence Christian Academy Athletic Facility PND), which have been proposed to be annexed to the City of Murfreesboro, Tennessee, and to re-zone approximately 9.5 acres from Single-Family Residential Fifteen (RS-15) District to Planned Institutional Development (PND) District; Providence Christian Academy, applicant(s) [2021-420].

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 Planned Institutional Development (PND) 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:

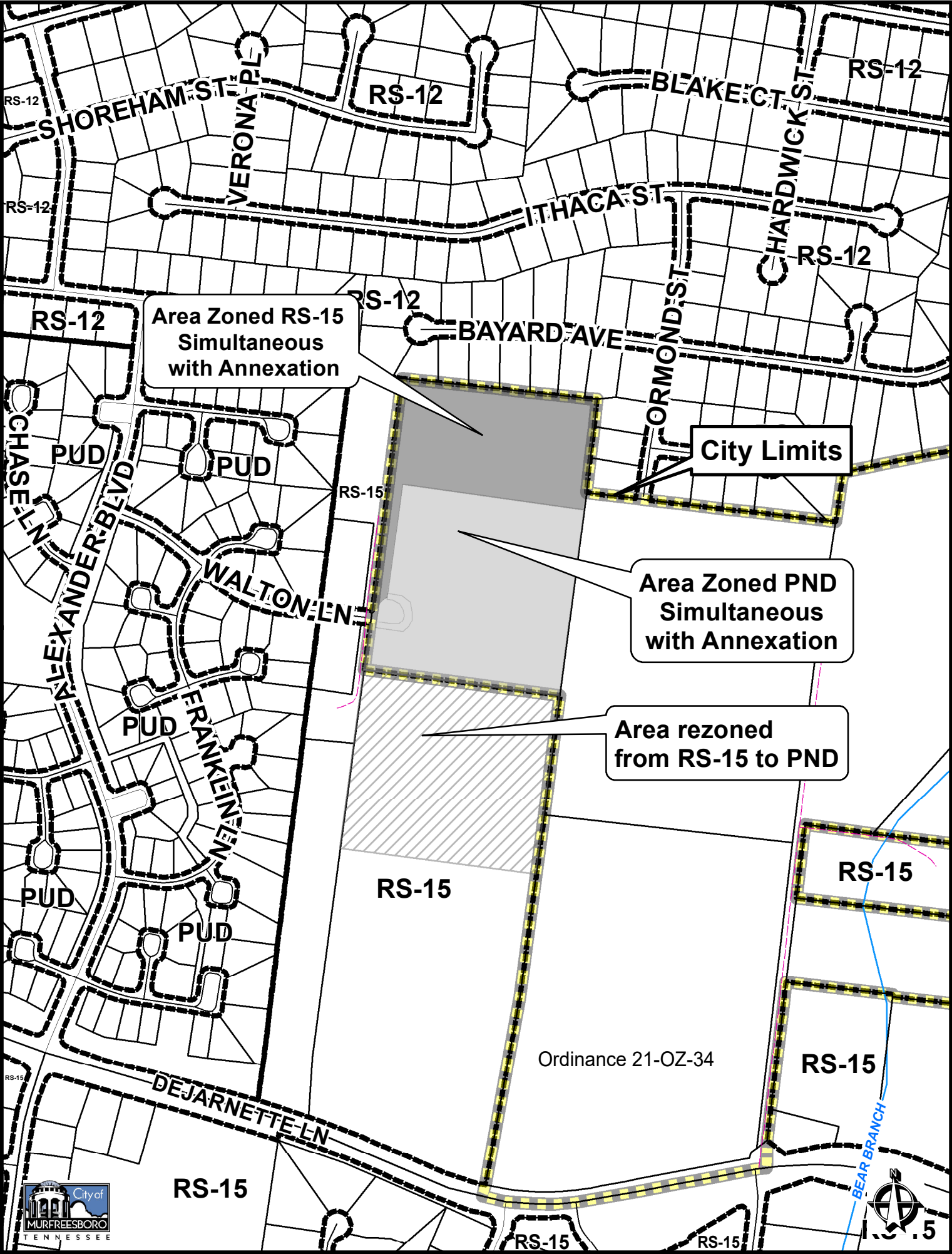
APPROVED AS TO FORM:

Jennifer Brown
City Recorder

DocuSigned by:
Adam F. Tucker
43A2035E51F0401...

Adam F. Tucker
City Attorney

SEAL



COUNCIL COMMUNICATION

Meeting Date: 12/02/2021

Item Title: Plan of Services, Annexation, and Zoning for property located south of South Rutherford Boulevard
[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 2.4 acres located south of South Rutherford Boulevard and east of the CSX railroad tracks.

Staff Recommendation

Conduct a public hearing and approve the Plan of Services and the requested annexation.

Conduct a public hearing and enact the ordinance establishing the requested zoning.

The Planning Commission recommended approval of the plan of services, annexation, and the zoning request.

Background Information

James Allen Huskey has initiated a petition of annexation [2021-508] for approximately 2.4 acres located south of South Rutherford Boulevard. The City developed its plan of services for this area. Additionally, Mr. Huskey presented to the City a zoning application [2021-421] for the same 2.4 acres to be zoned H-I (Heavy Industrial District) simultaneous with annexation. During its regular meeting on October 13, 2021, the Planning Commission conducted public hearings on these matters and then voted to recommend their approval.

Council Priorities Served

Improve Economic Development

Having all of Huskey Truss' contiguous properties within one jurisdiction and one zoning district will simplify future expansions of their facilities.

Attachments:

1. Resolution 21-R-PS-35

2. Resolution 21-R-A-35
3. Ordinance 21-OZ-35
4. Maps of the area
5. Planning Commission staff comments from 10/13/2021 meeting
6. Planning Commission minutes from 10/13/2021 meeting
7. Plan of services
8. Other miscellaneous exhibits

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
OCTOBER 13, 2021
PROJECT PLANNER: HOLLY SMYTH**

4.d. Annexation petition and plan of services [2021-584] for approximately 2.4 acres located south of South Rutherford Boulevard, James Allen Huskey applicant.

James Allen Huskey, represented by J & S Construction Company, Inc., has submitted a petition requesting that his property be annexed into the City of Murfreesboro. The subject property is 2.4-acres and is located directly south of Huskey Truss Company at 550 South Rutherford Boulevard. The property tax map number is: Tax Map 113, Parcel 011.05. The requested property contains a private railroad spur that ties into the CSX Railroad mainline.

The study area is located within the City of Murfreesboro's Urban Growth Boundary and is contiguous with the City limits along the north, east, and south property lines. Simultaneous with this application is a request to zone the property to Heavy Industrial (H-I).

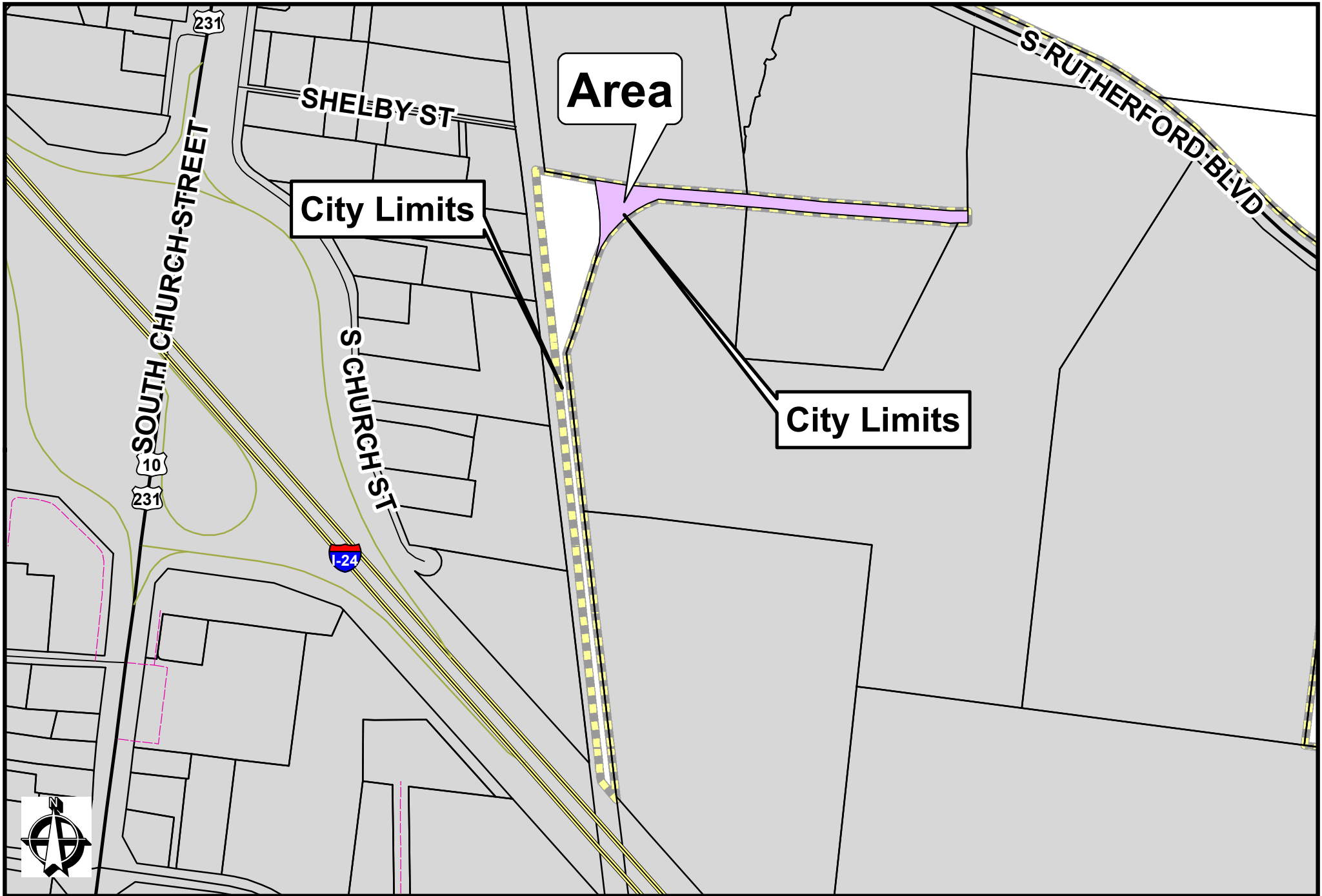
Staff has prepared a Plan of Services for the proposed annexation, which has been provided to the Planning Commission in the agenda packet. No difficulties in extending services to the subject property were identified in the plan of services.

Action Needed:

The applicant will be available at the Planning Commission meeting to discuss this proposed annexation petition and plan of services. The Planning Commission will need to conduct a public hearing, after which it will need to discuss this matter and then formulate a recommendation to City Council.

Attachments:

Plan of Services

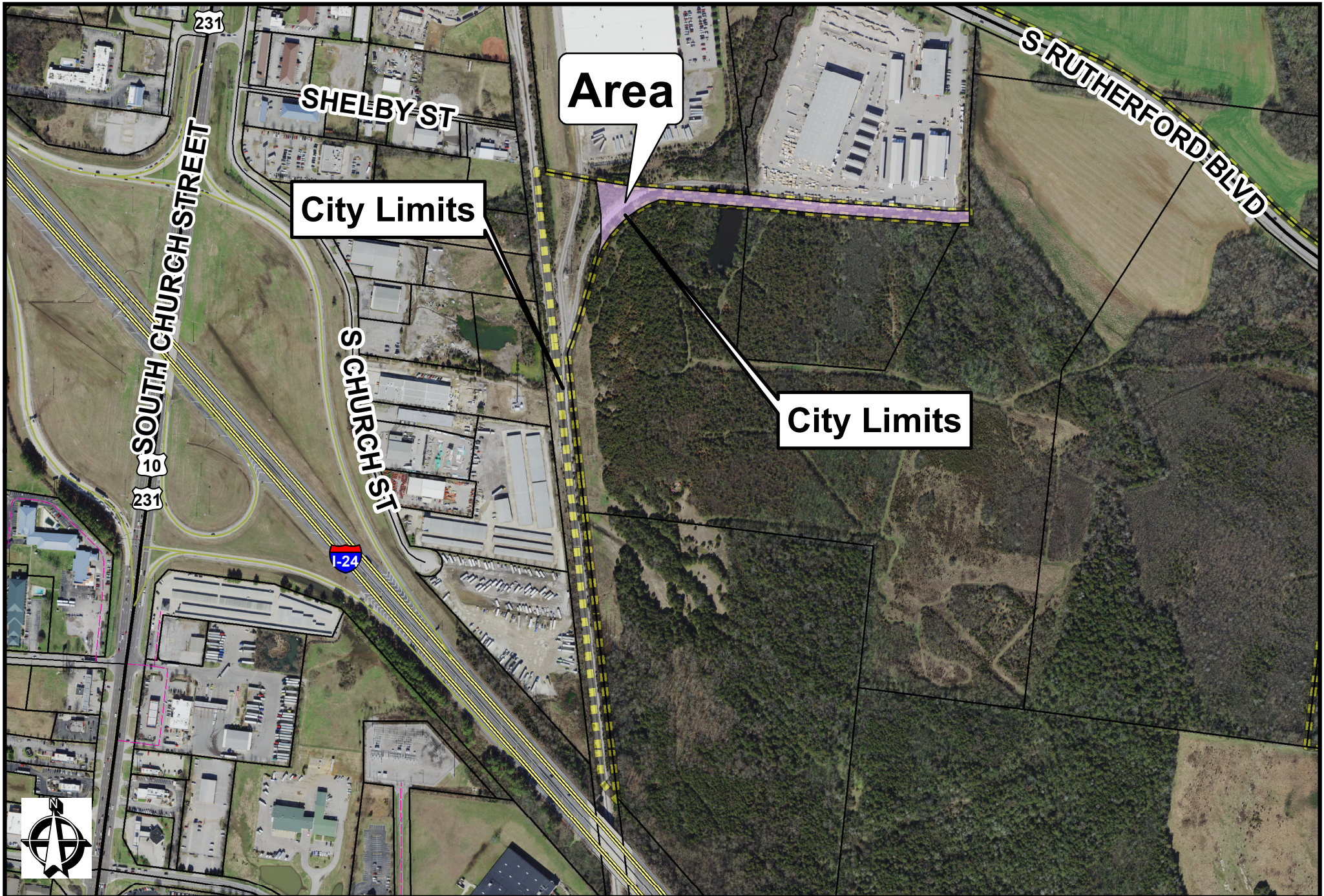


Annexation Request for Property along South Rutherford Boulevard

0 150 300 600 900 1,200
Feet



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



Annexation Request for Property along South Rutherford Boulevard

0 150 300 600 900 1,200
Feet



Planning Department
City of Murfreesboro
111 W. Vine St.
Murfreesboro, TN 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. James A. Huskey

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

Signature: James A. Huskey Status: Owner Date: 8/9/21

6563 Cloverbrook Dr., Brentwood, TN 37027
Mailing Address (if not address of property to be annexed)

2. Marla F. Huskey

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

Signature: Marla F. Huskey Status: Owner Date: 8/9/21

6563 Cloverbrook Dr., Brentwood, TN 37027
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: ☒ Yes

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

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 13, 2021

6:00 P.M.

CITY HALL

MEMBERS PRESENT

Kathy Jones, Chair
Ken Halliburton, Vice-Chair
Jami Averwater
Rick LaLance
Warren Russell
Chase Salas
Shawn Wright

STAFF PRESENT

Greg McKnight, Planning Director
Matthew Blomeley, Assistant Planning Director
Marina Rush, Principal Planner
Holly Rush, Principal Planner
Joel Aguilera, Planner
Carolyn Jaco, Recording Assistant
Roman Hankins, Assistant City Attorney
David Ives, Deputy City Attorney
Sam Huddleston, Executive Dir. Dev. Services

1. Call to order

Chair Kathy Jones called the meeting to order at 6:00 p.m.

2. Determination of a quorum

Chair Jones determined that a quorum was present.

3. Approve minutes of the September 15, 2021, Planning Commission meeting.

Mr. Warren Russell moved to approve the Minutes of the September 15, 2021 meeting; the motion was seconded by Mr. Chase Salas and carried by the following vote:

Aye: Kathy Jones
Ken Halliburton
Jami Averwater
Rick LaLance
Warren Russell
Chase Salas
Shawn Wright

Nay: None

4. Public Hearings and Recommendations to City Council:

Zoning application [2021-418] for approximately 8.4 acres located along Bridge Avenue to be rezoned from RS-10 to CF and approximately 1 acre to be rezoned from H-I to CF, City

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 13, 2021

The Planning Commission discussed the various concerns of the residents and how to address them in the plan.

There being no further discussion, Vice-Chairman Halliburton moved to approve the zoning application subject to all staff comments including revisions to the pattern book addressing the following:

- Maximum height of 80-feet for light poles.
- Base of building planting requirements for the interior buildings would not be required.
- Traffic impact study required at the time of site plan review for Phase 4 (i.e., the football stadium).
- Sound level for the PA system along the northwest side of the development.
- Berm will include trees.

The motion was seconded by Mr. Rick LaLance and carried by the following vote:

Aye: Kathy Jones

Ken Halliburton

Jami Averwater

Rick LaLance

Warren Russell

Chase Salas

Shawn Wright

Nay: None

Annexation petition and plan of services [2021-504] for approximately 2.4 acres located south of South Rutherford Boulevard, James Allen Huskey applicant. Ms. Holly Smyth presented the Staff Comments regarding this item, a copy which is maintained in the permanent files of the Planning Department and incorporated into these Minutes by reference.

Mr. James Huskey (applicant) was in attendance representing the application.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 13, 2021

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

There being no further discussion, Ms. Jami Averwater moved to approve the annexation petition and plan of services; the motion was seconded by Mr. Chase Salas and carried by the following vote:

Aye: Kathy Jones

Ken Halliburton

Jami Averwater

Rick LaLance

Warren Russell

Chase Salas

Shawn Wright

Nay: None

Zoning application [2021-421] for approximately 2.4 acres located south of South Rutherford Boulevard to be zoned H-I simultaneous with annexation, James Allen Huskey applicant. Ms. Holly Smyth presented the Staff Comments regarding this item, a copy which is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

Mr. James Huskey (applicant) was in attendance representing the application.

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.

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

Aye: Kathy Jones

RESOLUTION 21-R-PS-35 to adopt a Plan of Services for approximately 2.4 acres located south of South Rutherford Boulevard, James Allen Huskey, applicant(s) [2021-508].

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 September 1, 2021 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; and,

WHEREAS, a Public Hearing on the proposed Plan of Services was held before the City Council of the City of Murfreesboro, Tennessee on December 2, 2021, pursuant to a Resolution passed and adopted by the City Council on October 21, 2021, and notice thereof published in The Murfreesboro Post, a newspaper of general circulation in said City, on November 16, 2021; 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 21-R-A-35**, the public welfare and the welfare of the City requiring it.

Passed: _____

Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

Jennifer Brown
City Recorder

DocuSigned by:
Adam F. Tucker

43A2035E51F9401...
Adam F. Tucker
City Attorney

SEAL

Resolution 21-R-PS-35

City Limits

S RUTHERFORD BLVD

Area to be Annexed

City Limits

SHELBY ST

City Limits

S CHURCH ST

SOUTH CHURCH STREET

10
231

10
231

I-24

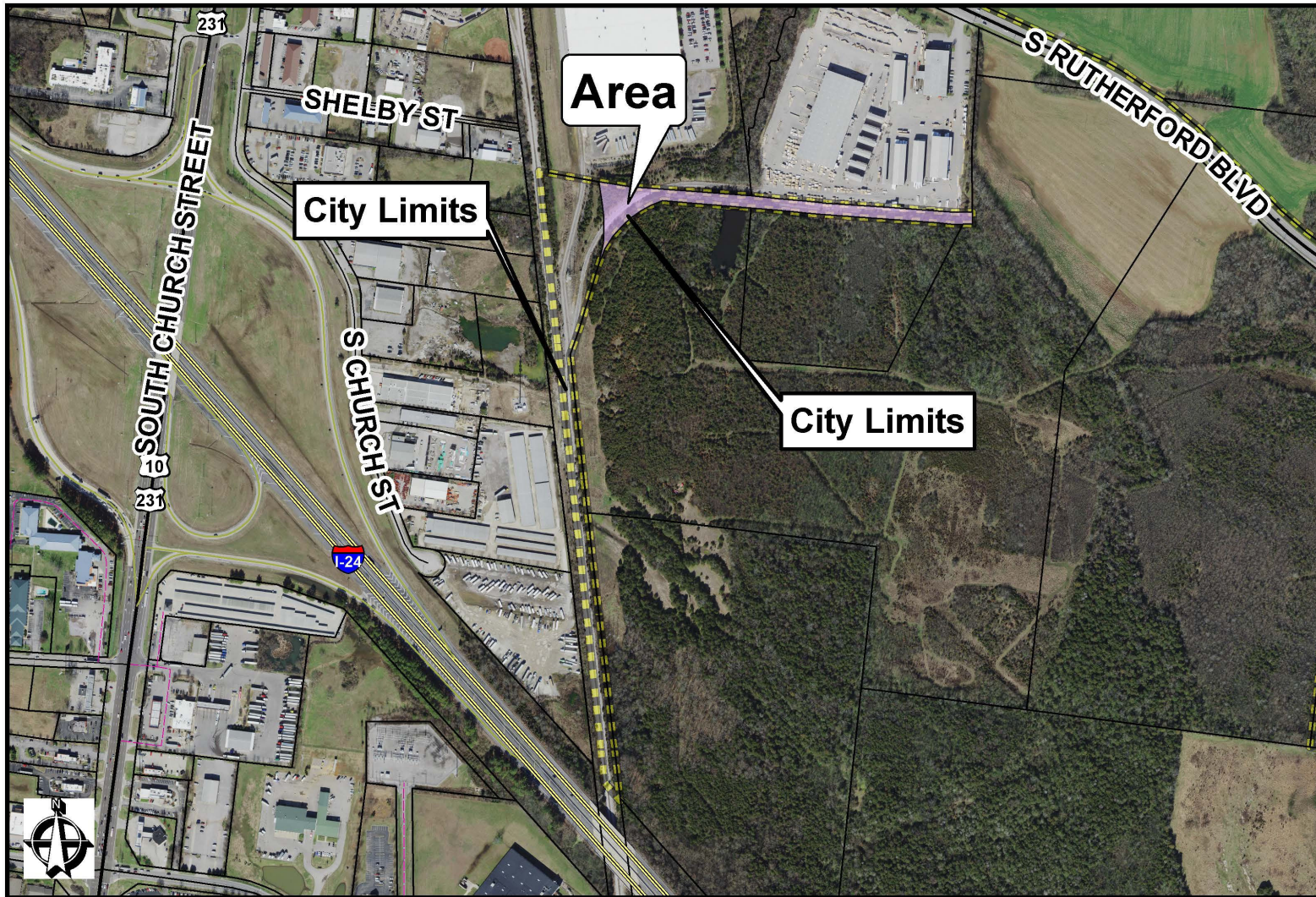


Resolution 21-R-PS-35

**ANNEXATION REPORT FOR PROPERTY LOCATED
SOUTH OF SOUTH RUTHERFORD BLVD
INCLUDING PLAN OF SERVICES
(FILE 2021-508)**



**PREPARED FOR THE
MURFREESBORO PLANNING COMMISSION – OCTOBER 13, 2021**



**Annexation Request for Property along
South Rutherford Boulevard**

0 150 300 600 900 1,200
Feet

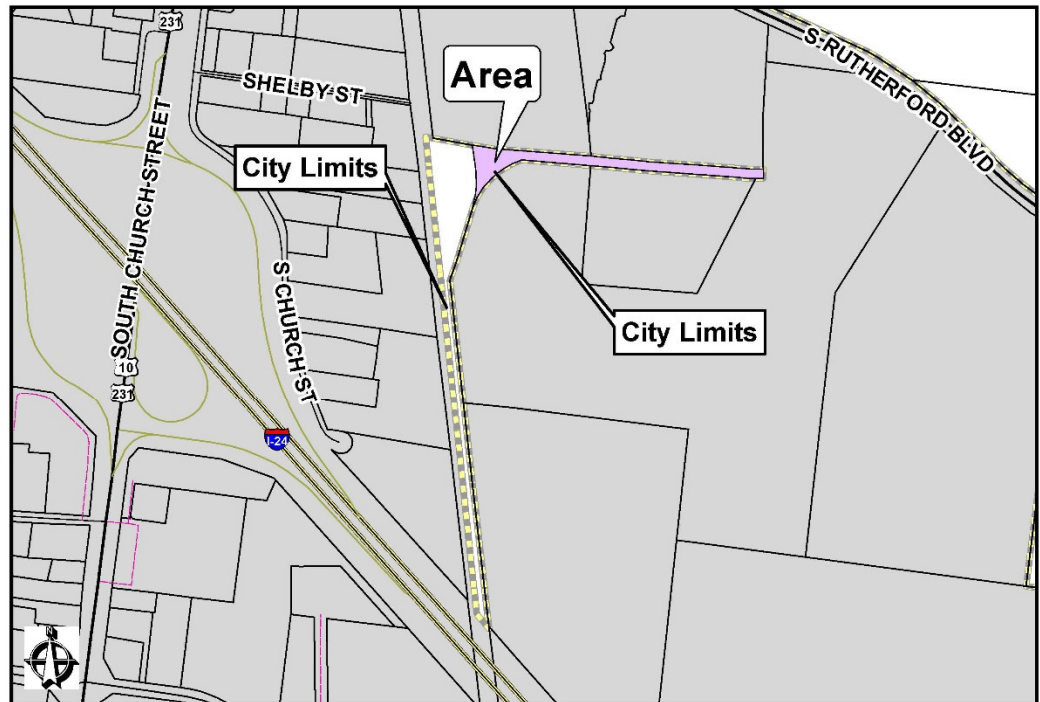
Planning Department
City of Murfreesboro
111 W. Vine St.
Murfreesboro, TN 37130
www.murfreesborotn.gov

INTRODUCTION

OVERVIEW

The property owner, Mr. James Allen Huskey, has submitted a petition requesting annexation by the City of Murfreesboro. The subject property is a 2.4 acre parcel, located south of South Rutherford Boulevard between the CSX Railroad and on the southside of the existing Huskey Truss Company property. The property tax map number is: Tax Map 113, Parcel 011.05. The requested property is currently developed with a private railroad spur. Simultaneous with this application is a request to zone the property to Heavy Industrial (H-I).

The study area is located within the City of Murfreesboro's Urban Growth Boundary and is contiguous with the City limits along the north, east, and south property lines.



**Annexation Request for Property along
South Rutherford Boulevard**

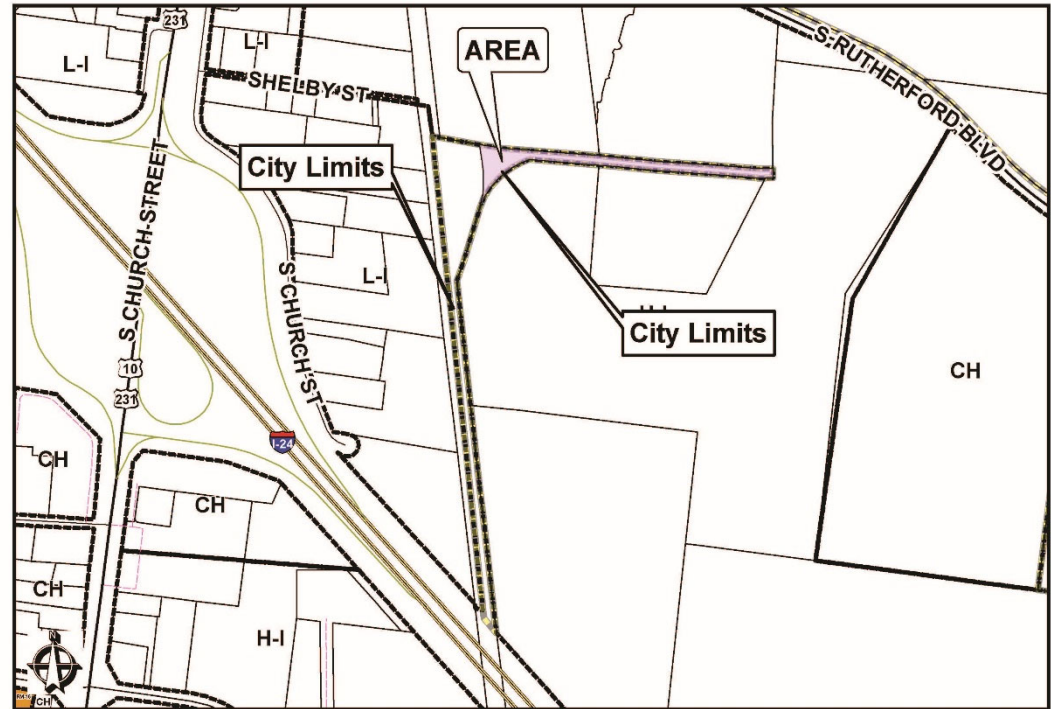
0 150 300 600 900 1,200
Feet

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

CITY ZONING

A separate application has been submitted by the owner, Mr. James Allen Huskey, requesting H-I (Heavy Industrial) zoning for the study area simultaneous with annexation. The subject parcel is currently zoned Residential Medium-Density (RM) in the County of Rutherford.

The adjacent zoning on the properties to the north, east, and south is H-I; to the west is the CSX railroad which is not zoned in the County. The properties surrounding the parcel are primarily vacant with the exception of Huskey Truss Company and Westrock Southern Container due north of the parcel.



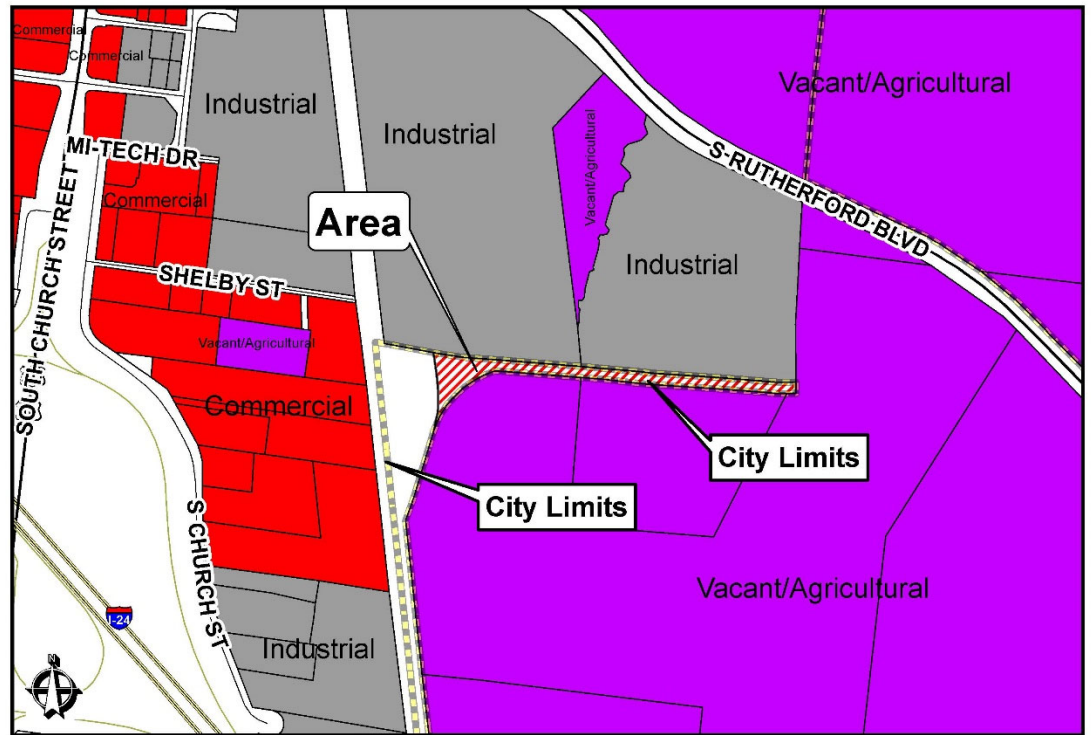
**Zoning Request for Property along South Rutherford Boulevard
H-I Simultaneous with Annexation**

0 150 300 600 900 1,200 Feet

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

PRESENT AND SURROUNDING LAND USE

The study area is a developed private railroad spur serving the Huskey Truss Company. The surrounding land uses are primarily vacant agricultural land to the south and east and industrial to the north.



**Annexation Request for Property along
South Rutherford Boulevard**

0 150 300 600 900 1,200
Feet

Planning Department
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TAXES AND REVENUE

The first City tax bill for all property annexed during the calendar year of 2021 will be due on December 31, 2022. 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/industrial property is assessed at a rate of 40% of its appraised value. The property is listed on the tax rolls as "Improvement value \$0" even though there is a railroad spur line. 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 + Yard Item Value	Total Assessment	Estimated City Taxes
James Allen Huskey ETUX	2.43	\$406,300	\$0.00	\$162,520	\$2,095.53

These figures are for the property in its current state and are subject to change upon re-development.

PLAN OF SERVICES

POLICE PROTECTION

At present, the study area receives police services 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 parcel immediately upon the effective date of annexation. The Murfreesboro Police Department will be able to provide services immediately upon the effective date of annexation. If the property is zoned Heavy Industrial, it will have little impact upon police services. This property is in Police Zone #7.

ELECTRIC SERVICE

Middle Tennessee Electric Membership Corporation (MTEMC) has existing overhead electric facilities along South Rutherford Boulevard north of the study area serving the existing Huskey Truss Company. Any future development in the study area will be served by MTEMC.

STREET LIGHTING

The subject property does not have any street frontage and therefore no street lighting would be added. However, there are

4 existing street lights on power poles on the south side of S. Rutherford Boulevard at the two driveway entrances into Huskey Truss Company, located to the north of the annexation area. Because it is anticipated that the annexation parcel will be merged with this property, adequate street lighting already exists.

SOLID WASTE COLLECTION

The study area is currently developed with a railroad spur and will require no services from the Solid Waste Department in its current state. Because future development will be industrial, a private solid waste management service will be required at the time of redevelopment.

RECREATION

The area will be zoned Heavy Industrial; no residents are anticipated and, therefore, there will be no impact to the City Recreation Department.

CITY SCHOOLS

The area will be zoned Heavy Industrial; no residents are anticipated and, therefore, there will be no impact to City schools.

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.

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 plats, 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.

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.

STREETS AND ACCESS

The annexation study area only has vehicular access through the existing Huskey Truss Company property located at 550 S. Rutherford Boulevard or via the CSX railroad. The property owner will be consolidating the study lot with his currently

developed property to the north. South Rutherford Boulevard is an existing 5-lane, ditch section street with an eastbound right turn lane into one of the two driveways accessing 550 South Rutherford Boulevard. Upon annexation of the subject parcel, the City would continue to be responsible for operation and maintenance of this street, and, therefore, no new roadway costs are anticipated.

This subject property and the adjacent property to the north are not affected by the City's Major Transportation Plan. Any future public roadway facilities to serve the study area must be constructed to City standards.

REGIONAL TRAFFIC & TRANSPORTION

The study area is not currently served by a roadway but contains a private railroad spur that currently serves the Huskey Truss Company site to the north. This spur connects with the CSX mainline and receives incoming wood shipments on a weekly basis. This service is anticipated to continue so long as Huskey Truss Company maintains the spur line and continues to request rail service from CSX Railroad regardless of the annexation

WATER SERVICE

The study area is located within Murfreesboro Water Resources Department's (MWRD) service area. In order to serve it on its own, a water main extension from South Rutherford Boulevard would be required. However, this will be a moot point, because it is anticipated that the subject parcel will be combined with the parcel to the north that already has water service.

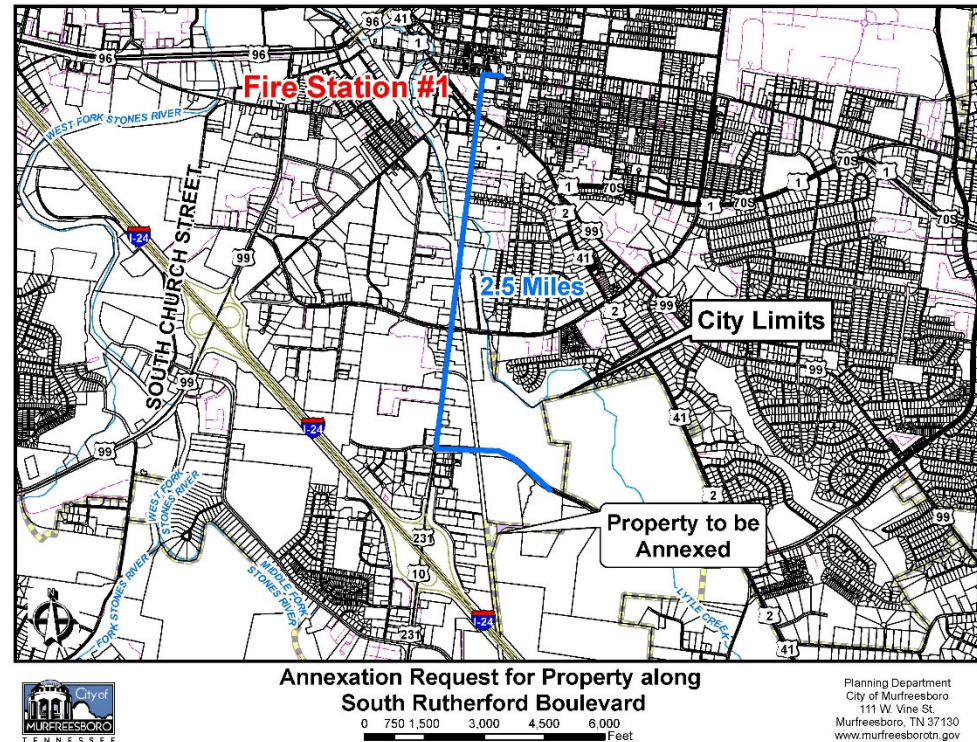
FIRE

Currently the study area is located 2.5 miles from Fire Station #1 (202 East Vine Street) and 2.5 miles from Fire Station #2 (2880 Runnymede Drive at South Church Street). The blue line on the adjacent map represents the linear distance range from the nearest fire station. Murfreesboro Fire Rescue Department can provide emergency services and fire protection services at no additional expense upon annexation.

SANITARY SEWER SERVICE

The property to the north of the annexation area is served by an existing 15" sewer on the south side of South Rutherford Boulevard. Should the railroad spur ever redevelop into something other than its current use, it would require a sewer main extension from South Rutherford Boulevard with an adequate sewer easement.

With regard to the City's Sewer Allocation Ordinance and the proposed zoning request of Heavy Industrial (H-I), the property would be allotted 4.0 single-family units per acre (sfu's/acre) if approved. One sfu is equivalent to 260 gallons per day (gpd). The annexation acreage is 2.4 acres, and therefore any development would be allotted ~2,496 gpd ($4.0 \times 260 \times 2.4$).



Any development will be required to comply with the Sewer Allocation Ordinance. To reserve sewer capacity a Will Serve letter request must be submitted to the Department.

All main line extensions and off-site sewer easements are the financial responsibility of the developer and may be extended in accordance with the Development Policies and Procedures of the Murfreesboro Water Resources Department.

DRAINAGE

Public Drainage System

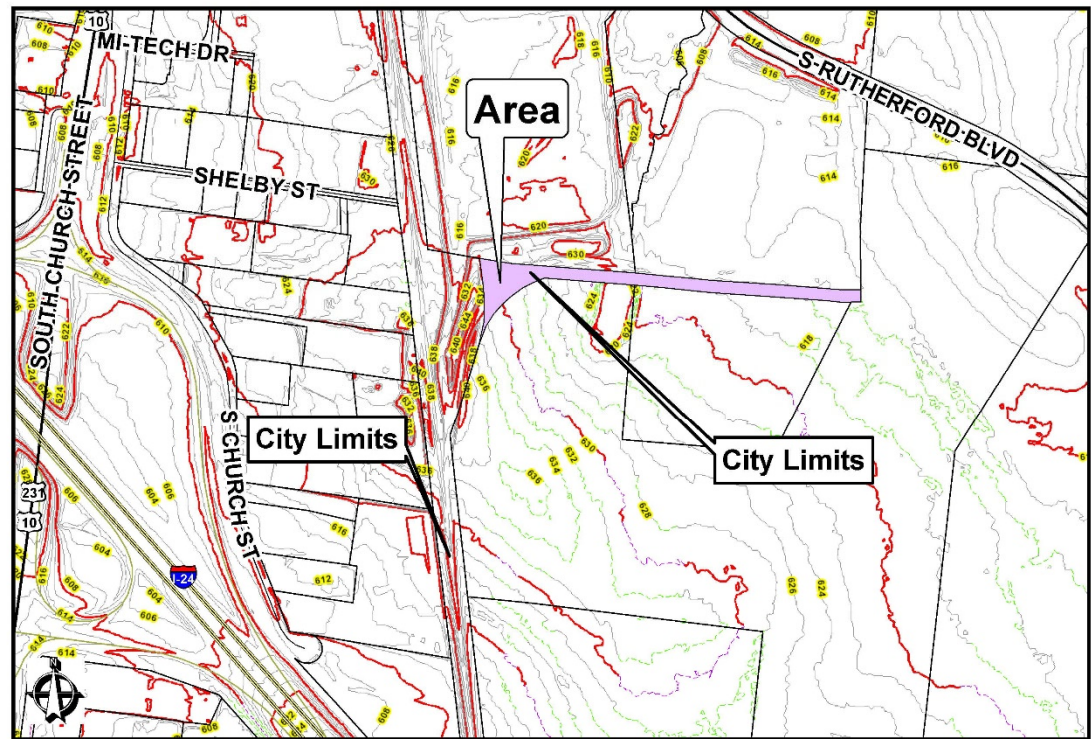
There are no public drainage systems within the study area. The study area drains to a private system on the Huskey Truss property.

Regional Drainage Conditions

The study area drains to the northeast into a private drainage system that discharges into a tributary of Lytle Creek.

Stormwater Management and Utility Fees

The study area has no impact on the Stormwater Utility Fee.



**Annexation Request for Property along
South Rutherford Boulevard**

0 150 300 600 900 1,200 Feet

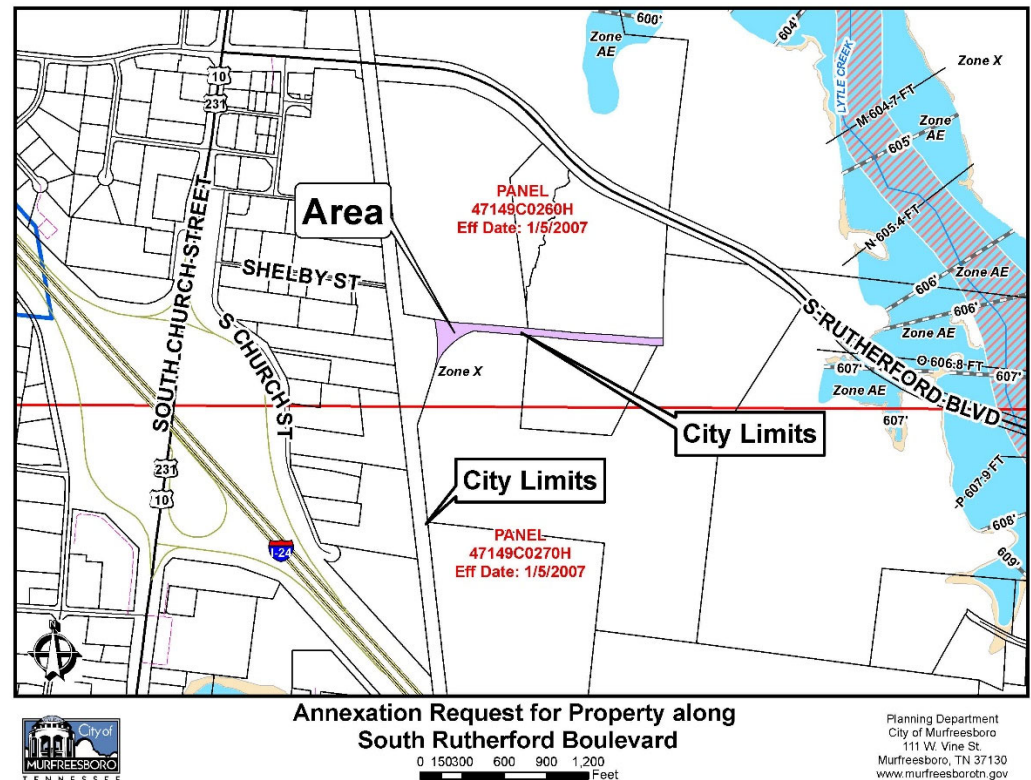
Planning Department
City of Murfreesboro
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FLOODWAY

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

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 21-R-A-35 to annex approximately 2.4 acres located south of South Rutherford Boulevard, and to incorporate the same within the corporate boundaries of the City of Murfreesboro, Tennessee, James Allen Huskey, applicant(s) [2021-508].

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 21-R-PS-35** on December 2, 2021; and

WHEREAS, the Planning Commission held a public hearing on the proposed annexation of such territory on September 1, 2021 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 21-OZ-35**, the public welfare and the welfare of the City requiring it.

Passed: _____

Shane McFarland, Mayor

ATTEST:

Jennifer Brown
City Recorder

APPROVED AS TO FORM:

DocuSigned by:

Adam F. Tucker

43A2035E51F9401
Adam F. Tucker
City Attorney

SEAL

Resolution 21-R-A-35

City Limits

Area Annexed

City Limits

City Limits



**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
OCTOBER 13, 2021
PROJECT PLANNER: HOLLY SMYTH**

4.e Zoning application [2021-421] for approximately 2.4 acres located south of South Rutherford Boulevard to be zoned H-I simultaneous with annexation, James Allen Huskey applicant.

The subject property is a total of 2.4-acres and is located directly south of Huskey Truss Company at 550 South Rutherford Boulevard. The property tax map number is: Tax Map 113, Parcel 011.05. The requested property contains a private railroad spur that ties into the CSX Railroad mainline. The applicant, James Allen Huskey, is requesting to zone the subject property to Heavy Industrial (H-I) simultaneous with the request for annexation into the City. As depicted on the attached map, the 2.4 acres extends along the backside of the Huskey Truss and Building Supply Inc. property until it meets the CSX railroad. The proposed H-I zoning was recommended to the applicant by the Planning Department, as Huskey Truss intends to continue using the subject parcel along with its main parcel (already zoned H-I) and a newly-purchased site due south of the study area (also already zoned H-I). All three parcels are proposed to be combined into one lot of record via a subdivision plat.

Adjacent Zoning and Land Uses

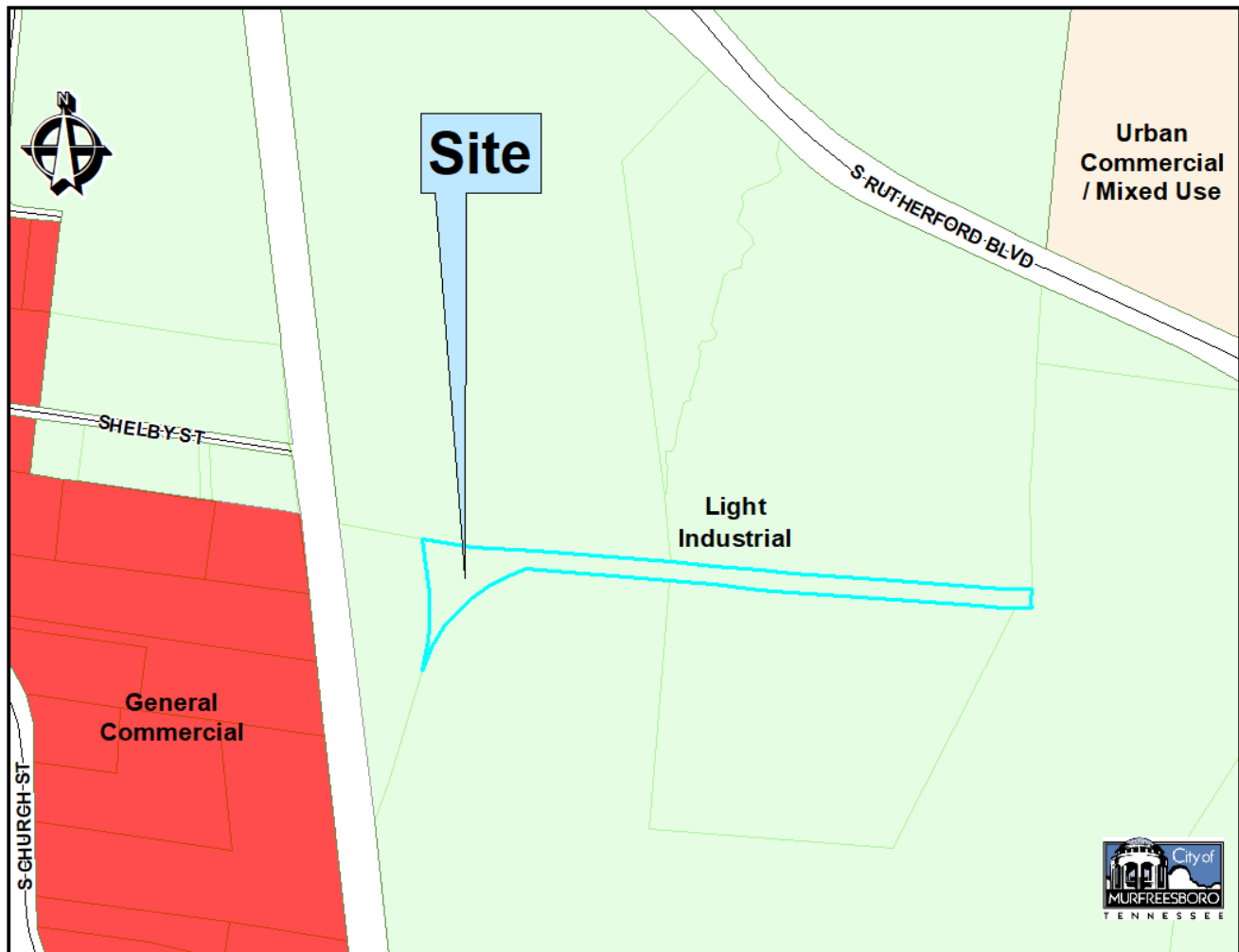
The subject property is currently zoned RM (Residential Medium Density) in the unincorporated County. The adjacent zoning on the properties to the north, south, and east are H-I in the City, and to the east is CSX right-of-way with no zoning in the unincorporated County. The properties surrounding the parcel to the north are developed industrial uses for Huskey Truss and Westrock-Southern Container, LLC. Areas to the south and east of the parcel are generally vacant parcels. The property to the west of the subject parcel is the CSX railroad mainline.

Future Land Use Map

The future land use map of the Murfreesboro 2035 Comprehensive Plan (excerpt below) indicates that Light Industrial is the most appropriate land use character for the project area. Light Industrial character is predominantly characterized by large parking and storage yards and minimal greenspace. Light industrial land uses and industrial parks are located near freeways with adequate access provided by thoroughfares and with access to rail desirable where possible.

H-I zoning is generally more compatible with the Heavy Industrial land use character (as opposed to the Light Industrial land use character). However, considering that this parcel is already developed with a rail spur and the adjacent development it serves is already zoned H-I, staff believes that this is an appropriate instance to deviate from the recommendations of the future land use map.

Murfreesboro 2035 Comprehensive Plan Future Land Use Map (excerpt)



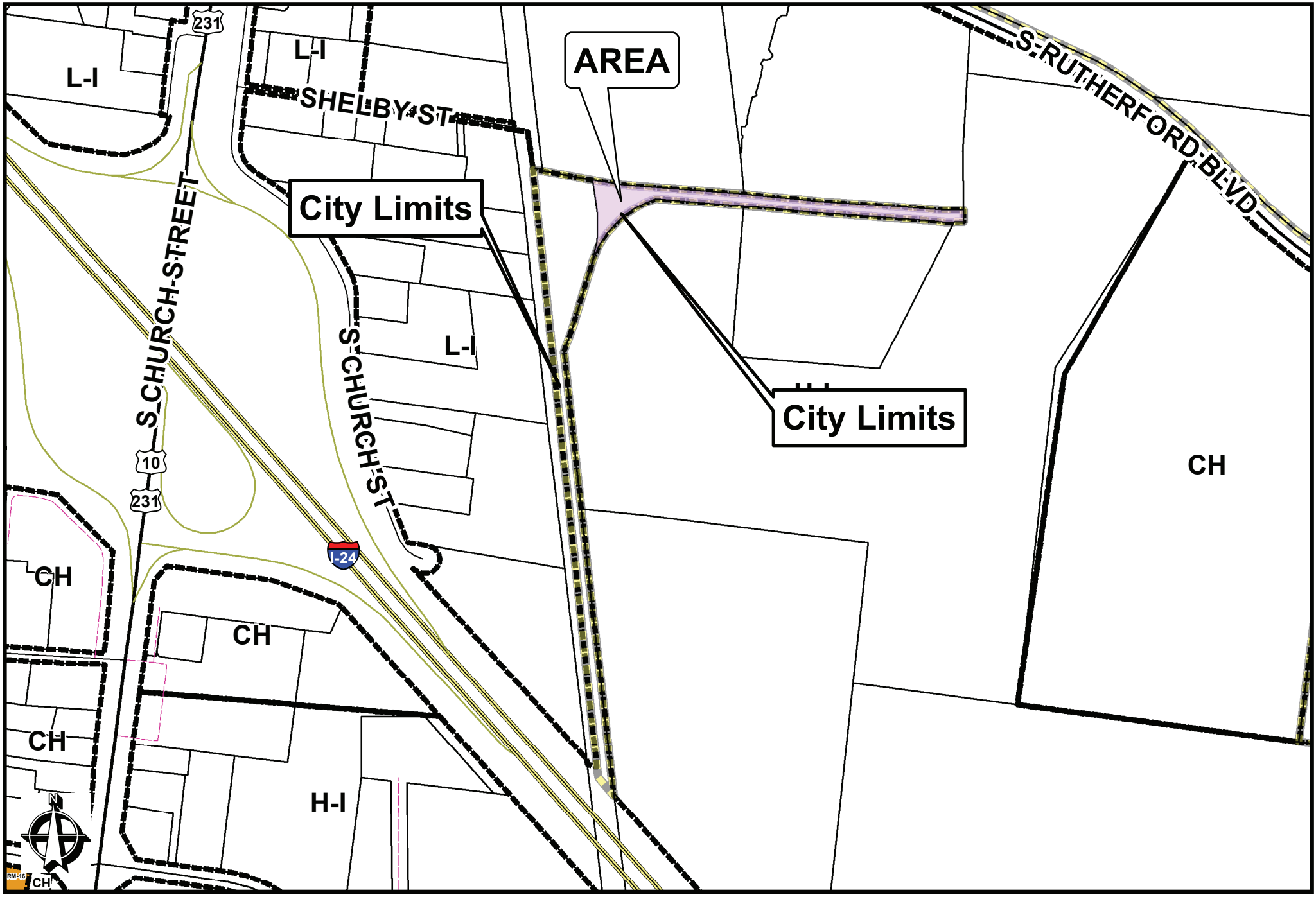
Recommendation:

Staff supports the zoning request to HI for the following reasons:

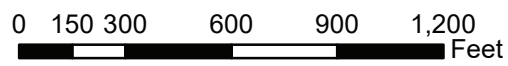
- 1) The subject parcel will be incorporated into the immediately adjacent parcels to the north and to the south which are already both zoned H-I.; and
- 2) The parcel is already developed with a private railroad spur that actively serves the Huskey Truss facility to deliver materials.

Action needed

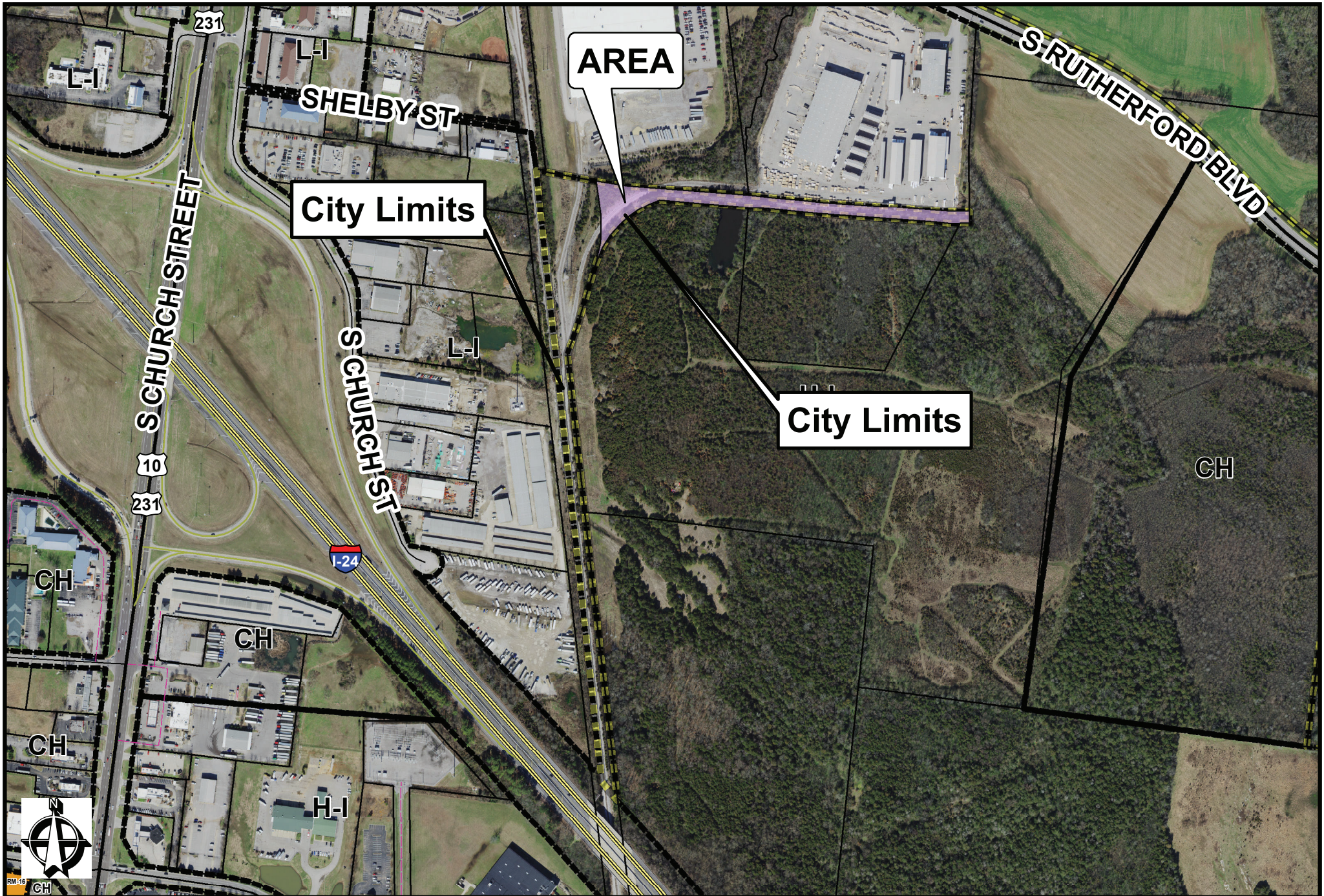
The applicant will be available at the Planning Commission meeting to discuss the proposed zoning request. The Planning Commission will need to conduct a public hearing, after which it will need to discuss this matter and then formulate a recommendation to City Council.



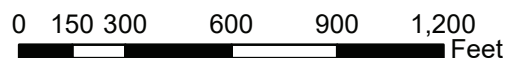
Zoning Request for Property along South Rutherford Boulevard H-I Simultaneous with Annexation



Planning Department
City of Murfreesboro
111 W. Vine St.
Murfreesboro, TN 37130
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Zoning Request for Property along South Rutherford Boulevard H-I Simultaneous with Annexation



Planning Department
City of Murfreesboro
111 W. Vine St.
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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: James Allen Huskey

Address: 6563 Cloverbrook Drive City/State/Zip: Brentwood, TN, 37027

Phone: 615-373-8973 E-mail address: JHuskey@husteytruss.com

PROPERTY OWNER: James Allen Huskey

Street Address or property description: Tract on the Southwest corner of 550 S. Rutherford Blvd.

and/or Tax map #: 112 Group: _____ Parcel (s): part of parcel 2

Existing zoning classification: RN

Proposed zoning classification: HI Acreage: _____
(Same as 550 S. Rutherford)

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

E-mail: Ahuskey@husteytruss.com

APPLICANT'S SIGNATURE (required): Jim Huskey

DATE: 8-12-21

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

Date received: _____ MPC YR.: _____ MPC #: _____

Amount paid: _____ Receipt #: _____

Revised 7/20/2018

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 13, 2021

6:00 P.M.

CITY HALL

MEMBERS PRESENT

Kathy Jones, Chair
Ken Halliburton, Vice-Chair
Jami Averwater
Rick LaLance
Warren Russell
Chase Salas
Shawn Wright

STAFF PRESENT

Greg McKnight, Planning Director
Matthew Blomeley, Assistant Planning Director
Marina Rush, Principal Planner
Holly Rush, Principal Planner
Joel Aguilera, Planner
Carolyn Jaco, Recording Assistant
Roman Hankins, Assistant City Attorney
David Ives, Deputy City Attorney
Sam Huddleston, Executive Dir. Dev. Services

1. Call to order

Chair Kathy Jones called the meeting to order at 6:00 p.m.

2. Determination of a quorum

Chair Jones determined that a quorum was present.

3. Approve minutes of the September 15, 2021, Planning Commission meeting.

Mr. Warren Russell moved to approve the Minutes of the September 15, 2021 meeting; the motion was seconded by Mr. Chase Salas and carried by the following vote:

Aye: Kathy Jones
Ken Halliburton
Jami Averwater
Rick LaLance
Warren Russell
Chase Salas
Shawn Wright

Nay: None

4. Public Hearings and Recommendations to City Council:

Zoning application [2021-418] for approximately 8.4 acres located along Bridge Avenue to be rezoned from RS-10 to CF and approximately 1 acre to be rezoned from H-I to CF, City

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 13, 2021

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

There being no further discussion, Ms. Jami Averwater moved to approve the annexation petition and plan of services; the motion was seconded by Mr. Chase Salas and carried by the following vote:

Aye: Kathy Jones

Ken Halliburton

Jami Averwater

Rick LaLance

Warren Russell

Chase Salas

Shawn Wright

Nay: None

Zoning application [2021-421] for approximately 2.4 acres located south of South Rutherford Boulevard to be zoned H-I simultaneous with annexation, James Allen Huskey applicant.

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

Mr. James Huskey (applicant) was in attendance representing the application.

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.

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

Aye: Kathy Jones

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 13, 2021

Ken Halliburton

Jami Averwater

Rick LaLance

Warren Russell

Chase Salas

Shawn Wright

Nay: None

Zoning application [2021-419] for approximately 29.1 acres located along Franklin Road to be rezoned from RS-12 and RS-15 to RS-8 and approximately 4.5 acres to be rezoned from RS-15 to CF, Lennar Homes of Tennessee, LLC developer. Mr. Matthew Blomeley made known for the record after the public notice had been advertised for this zoning application the applicant requested an additional 25 feet of depth be added to the proposed commercial area. Mr. Blomeley spoke with the City Legal Department, and they stated it was a minimal addition; and it would not need to be readvertised since it did not materially change the nature of the request. What is being proposed at this meeting is the revised request with the additional 25 feet of CF.

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

Mr. Kevin Guenther (landscape architect) was in attendance to represent the application.

Chair Kathy Jones opened the public hearing.

1. Ms. Kim Vanhoutte, 4555 Smitty Drive - expressed her concerns with extending Smitty Drive to Franklin Road. Also, would existing trees be preserved?

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

ORDINANCE 21-OZ-35 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 2.4 acres located south of South Rutherford Boulevard as Heavy Industrial (H-I) District, simultaneous with annexation; James Allen Huskey, applicant(s) [2021-421].

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:

1st reading _____

2nd reading _____

Shane McFarland, Mayor

ATTEST:

Jennifer Brown
City Recorder

APPROVED AS TO FORM:

DocuSigned by:
Adam F. Tucker

43A2035E51E9401
Adam F. Tucker
City Attorney

SEAL



COUNCIL COMMUNICATION

Meeting Date: 12/02/2021

Item Title: Rezoning property along Bridge Avenue
[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 9.4 acres located along the south side of Bridge Avenue west of New Salem Highway.

Staff Recommendation

Conduct a public hearing and enact the ordinance establishing the requested zoning.
The Planning Commission recommended approval of the rezoning.

Background Information

City Church presented a zoning application [2021-418] for approximately 8.4 acres located along the south side of Bridge Avenue to be rezoned from RS-10 (Single-Family Residential District 10) to CF (Commercial Fringe District) and approximately one acre to be rezoned from H-I (Heavy Industrial District) to CF. During its regular meeting on October 13, 2021, the Planning Commission conducted a public hearing on this matter and then voted to recommend its approval.

Council Priorities Served

Expand Infrastructure

During the development of this property, the property owner will be required to donate right-of-way for the realignment of South Molloy Lane, which is identified as a planned road improvement on the Major Transportation Plan.

Attachments:

1. Ordinance 21-OZ-33
2. Maps of the area
3. Planning Commission staff comments from 10/13/2021 meeting
4. Planning Commission minutes from 10/13/2021 meeting
5. Other miscellaneous exhibits

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
OCTOBER 13, 2021
PROJECT PLANNER: HOLLY SMYTH**

4.a. Zoning application [2021-418] for approximately 8.4 acres located along Bridge Avenue to be rezoned from RS-10 to CF and approximately 1 acre to be rezoned from H-I to CF, City Church applicant.

The subject property consists of a total of approximately 9.41 acres identified as Tax Map 102B, Group B, Parcels 01300, 01400, & 1600. The subject properties are currently known as 815, 823, and 831 Bridge Avenue and are located along the south side of the street between South Molloy Lane and New Salem Highway. Much of the subject property is within the 100-year or 500-year floodplains and are located due west of the City's future Transit Center. The applicant requests to rezone the properties from Single Family Residential 10,000 square foot minimum lot size (RS-10) and Heavy Industrial (H-I) to Commercial Fringe (CF).

The applicant has verbally stated that they wish to redevelop the properties with a new church facility. The subject property currently contains several homes, one of which is planned to be demolished while the others are anticipated to potentially be repurposed as ancillary buildings for the church facility. The City has been working with the applicant on the dedication of right-of-way for the future realignment of South Molloy Lane along the westerly portion of one of the properties to align with the intersection of West Main Street at Bridge Avenue.

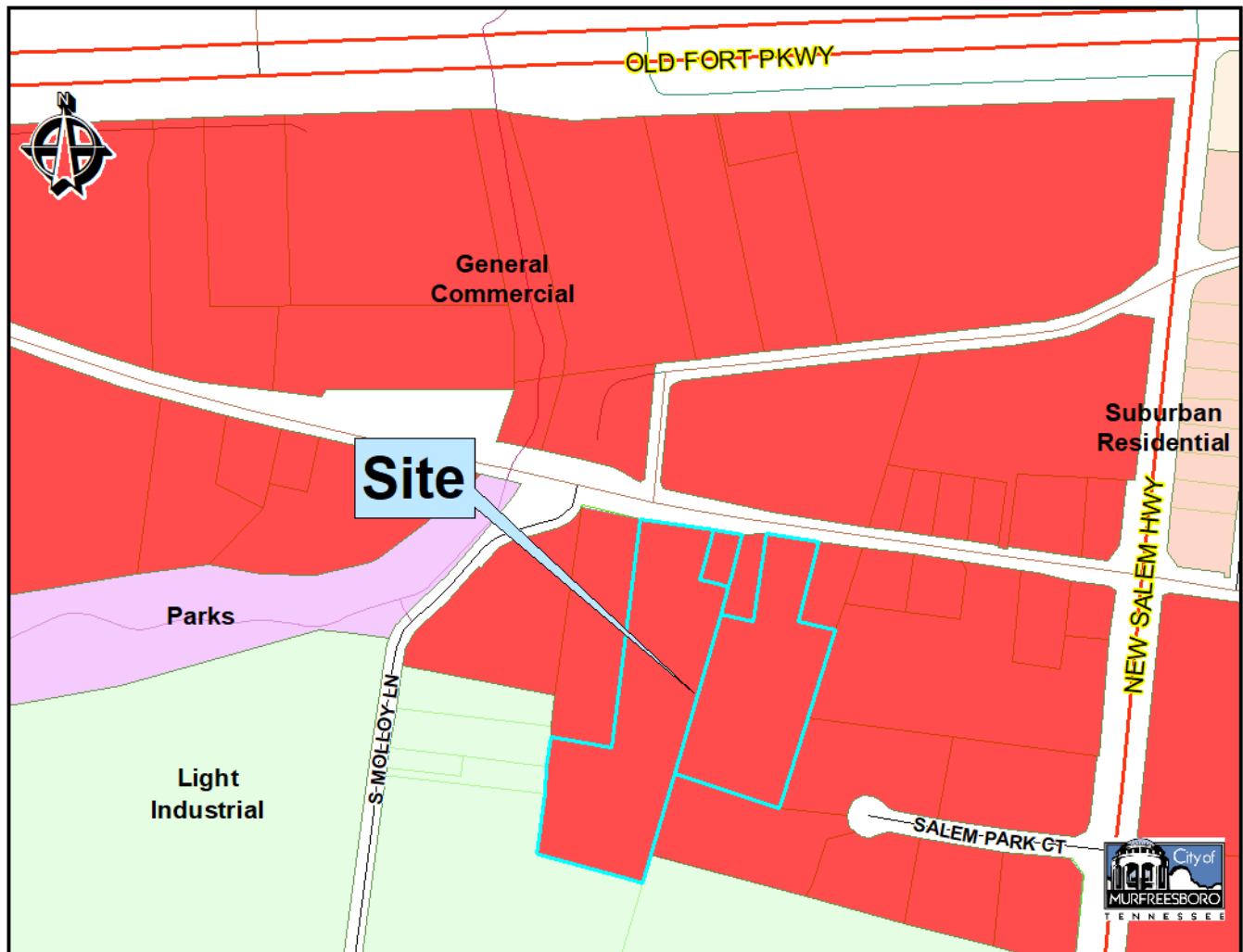
Adjacent Zoning and Land Uses

The adjacent zoning to the west is RS-10 and is developed with several single-family detached homes. To the south is zoned H-I and is developed with industrial uses. To the east is zoned RS-10 with several single-family detached homes. Also to the east is Planned Institutional Development (PND) zoning which just was passed on 2nd reading by City Council for the City's Transit Center. To the north along the north side of Bridge Avenue is zoned RS-10 and is developed with several single-family residences.

Future Land Use Map

The future land use map of the Murfreesboro 2035 Comprehensive Plan indicates that Auto-Urban/General Commercial (GC) is the most appropriate land use character for the subject area. GC supports automobile-oriented strip commercial centers along major roadways with a significant portion of development devoted to vehicular access drives, circulation routes, surface parking with buildings typically set back toward the rear of the site. Compatible zoning districts include Highway Commercial (CH), Gateway Design Overlay (GDO), and Planned Commercial District (PCD). The proposed CF zoning district is compatible with the Future Land Use Map designation of General Commercial because it is a less intense commercial district than CH that will allow a better transition to the existing residential uses; however, it will still permit many of the same types of uses that are allowed in the CH zone and that are described in the GC land use character.

Murfreesboro 2035 Comprehensive Plan Future Land Use Map (excerpt)



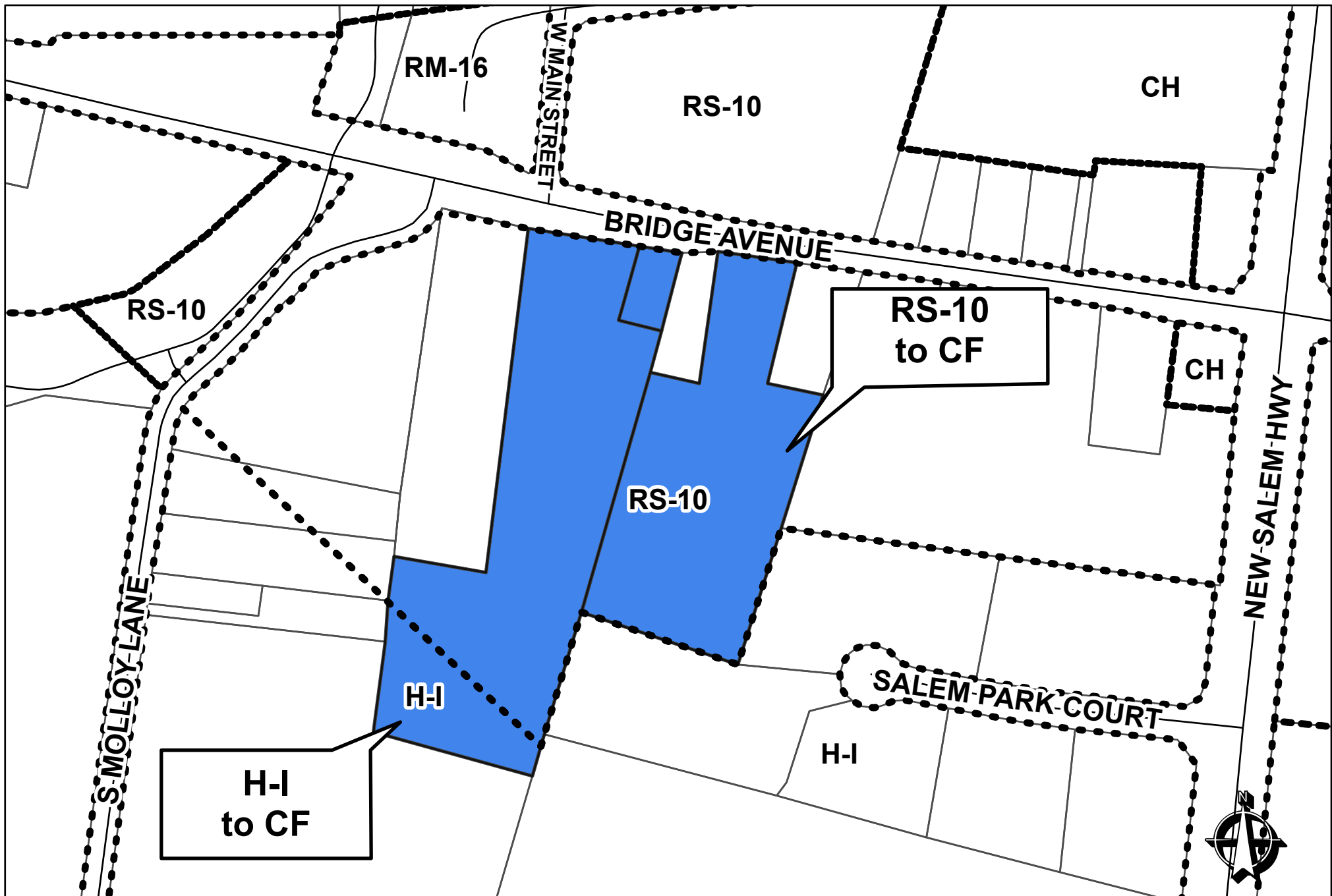
Recommendation:

Staff supports the zoning request to CF for the following reasons:

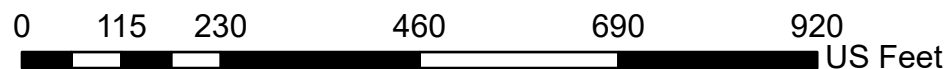
- 1) The zoning request is generally compatible with the General Commercial Land use designation.; and
- 2) The CF zone district is a good transition zone between the heavier commercial uses to the north along Old Fort Parkway and the residential uses to the east along Bridge Avenue.

Action needed

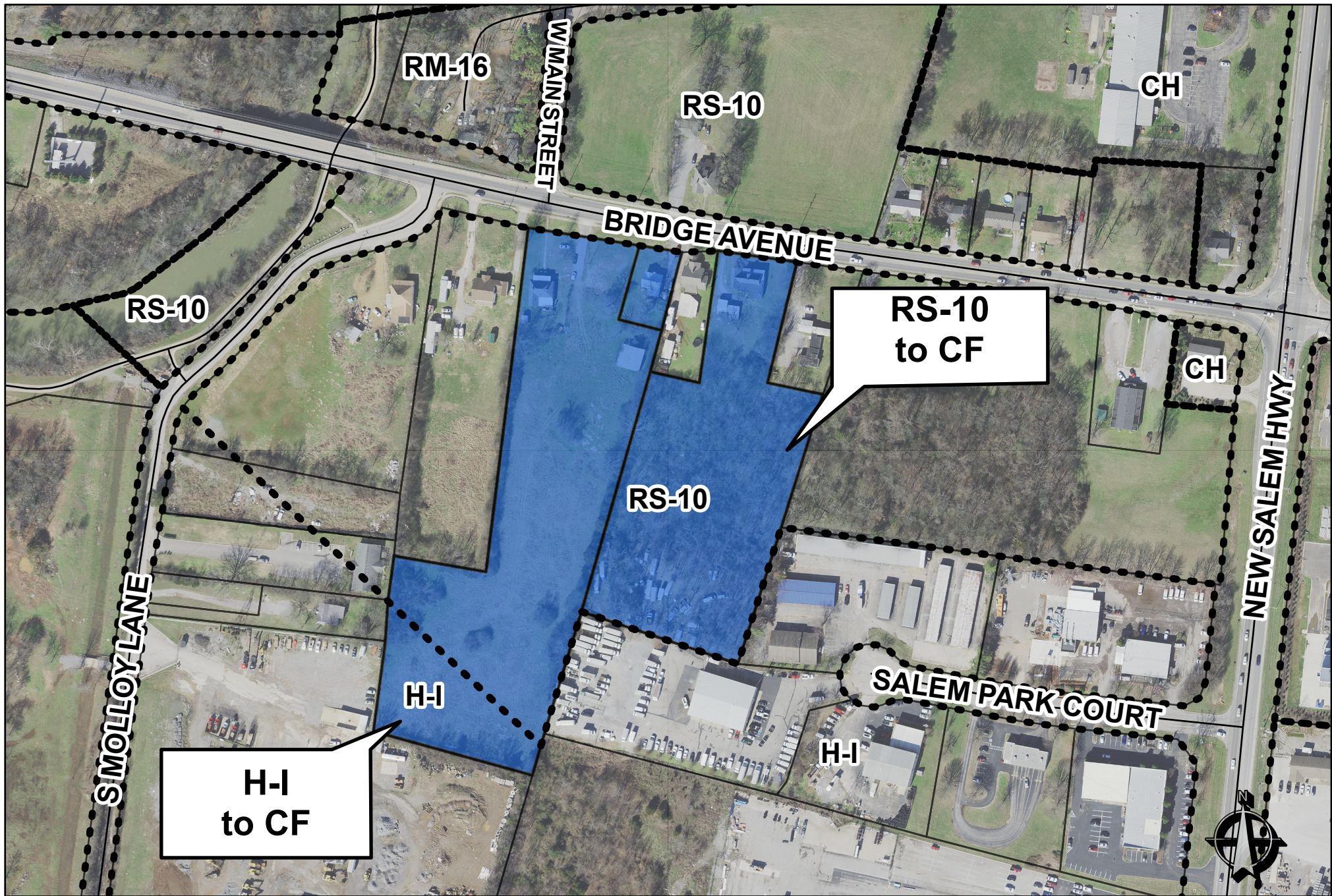
The applicant will be available at the Planning Commission meeting to discuss the proposed rezoning request. The Planning Commission will need to conduct a public hearing, after which it will need to discuss this matter and then formulate a recommendation to City Council.



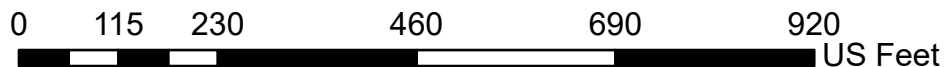
Rezoning Request for Property along Bridge Avenue
H-I and RS-10 to CF



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



Rezoning Request for Property along Bridge Avenue
H-I and RS-10 to CF



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



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

Creating a better quality of life

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: Catalyst Design Group - Jack Parker

Address: 1524 Williams Drive, Suite 201 City/State/Zip: Murfreesboro, TN 37129

Phone: 615-622-7200 E-mail address: jparker@catalyst-dg.com

PROPERTY OWNER: City Church - Pastor: Jeremy Young

Street Address or
property description: 815, 823 & 831 Bridge Avenue

and/or Tax map #: 102B Group: B Parcel (s): 01300, 01400, & 1600

Existing zoning classification: RS-10

Proposed zoning classification: CF Acreage: 9.41 ac

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

E-mail: _____

APPLICANT'S SIGNATURE (required): _____

DATE: 8/9/21

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

Date received: _____ MPC YR.: _____ MPC #: _____

Amount paid: _____ Receipt #: _____



August 11, 2021

Holly Smyth, AICP, Principal Planner
City of Murfreesboro
111 W. Vine St.
Murfreesboro, TN 37130

Re: City Church - Rezoning Request

Dear Holly:

On behalf of our client, City Church, we are formally requesting rezoning of the properties located at 815, 823 & 831 Bridge Avenue, to Commercial Fringe (CF). In reviewing the City's Comprehensive Plan, it appears that the subject property is envisioned to be in the General Commercial (GC) classification. Therefore, the proposed zoning is compatible with the Comprehensive Plan.

It is our understanding that City staff has discussed the idea of rezoning for these properties and is supportive of a CF rezoning request. We look forward to working with you during the rezoning process.

Please let me know if you have any questions or need additional information.

Best Regards,

Catalyst Design Group

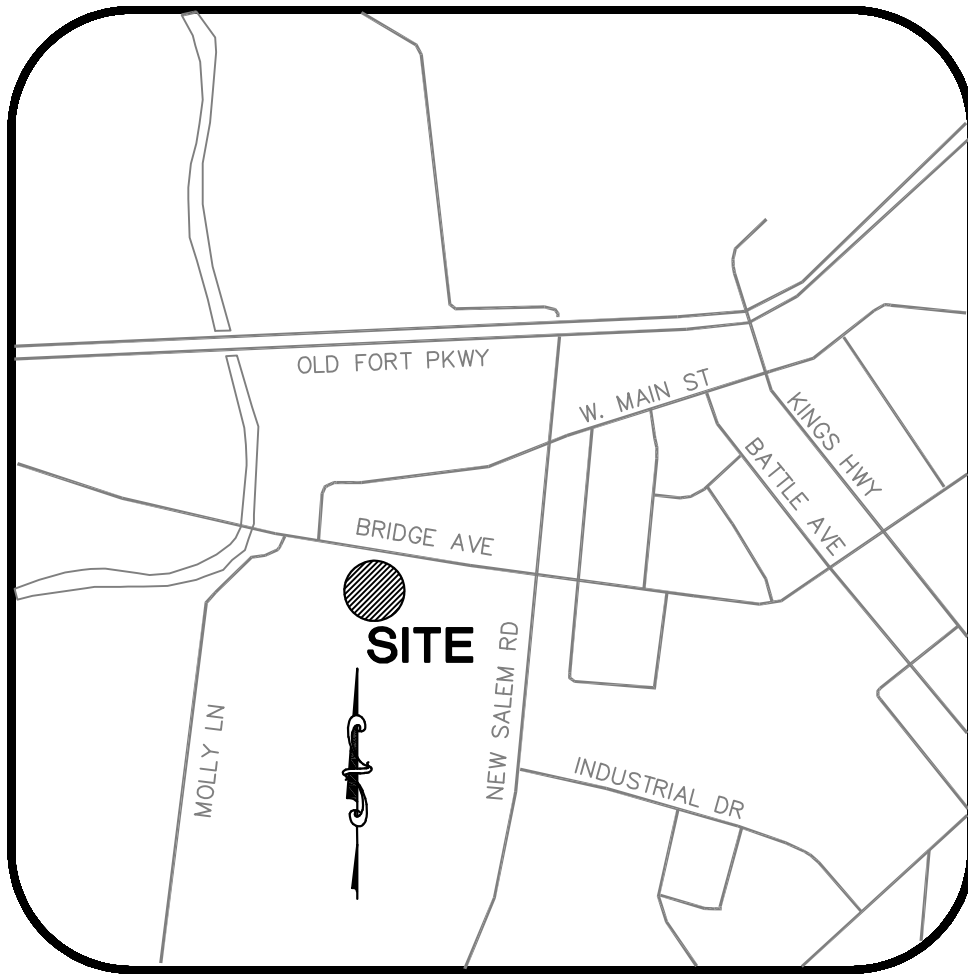
A handwritten signature in blue ink, appearing to read 'JP', is positioned above the name Jack Parker.

Jack Parker, PE; LEED AP
Principal, Senior Project Manager

SURVEYOR'S NOTES:

- The utility information shown hereon was taken from actual field evidence, utility agency records, or any other available evidence. Other utilities may exist and may not be shown, or may vary from where shown. No guarantee is expressed or implied in regard to the utility locations shown hereon. The Owner(s) and Contractor(s) should assume responsibility to verify utility existence, size, location, depth, and availability of service, and be solely responsible for contacting the utility location service prior to commencing construction.
- Subsurface and environmental conditions were not examined or considered as a part of this survey. No statement is made concerning the existence of underground containers, facilities, wells, wetlands, sinkholes, unmarked grave sites, or debris that may affect the use or development of this tract.
- This drawing was prepared in accordance with my field survey notes. It shows improvements as they exist to the best of my knowledge, but is not guaranteed to be correct in each and every detail.
- The property shown hereon is located within the City of Murfreesboro and Rutherford County, Tennessee. All matters pertaining to construction, use, location of improvements, signage, parking, noise, vibration, emissions, fire hazards, landscaping, radiation, illumination, setback provisions, etc., are subject to the Zoning Regulations as interpreted and regulated by the Department of Planning and Codes.
- Bearings based on: Tennessee State Plane (NAD 83).
- The Surveyor's liability for this document shall be limited to the party shown in the title of the survey, and does not extend to any unnamed person or entities without an expressed re-certification.
- Portions of the property is within the 100 year flood plain and is determined in Zone X as per Federal Emergency Management Agency Firm Map Number 47149C0260H, Dated January 5, 2017.
- This survey was prepared from current deeds of record without the benefit of facts and does not represent a title search or a guarantee of title, and is subject to any state of facts a current, full, or accurate search may reveal. No investigation or independent search for easements, encumbrances, restrictive covenants, or ownership title evidence has occurred. The surveyor reserves the right to revise any easement(s) not provided for or known of per the date of this survey.
- Current Right of Way plans do not show dimension for the Right of Way.
- Current deed for parcel 16.00 only list acreage. Does not have a full description.

ALTA/NSPS LAND TITLE SURVEY
OF THE
BRIDGE AVE
13TH DISTRICT
MURFREESBORO, RUTHERFORD COUNTY, TENNESSEE
JOB. NO. 21-013



VICINITY MAP
(N.T.S.)

PROPERTY DESCRIPTION

A tract of land in the 13th District, Rutherford County, Tennessee. Tract being bounded on the north by the southern Right of Way (ROW) of Bridge Ave, on the east and north by the Muhammad Faisal tact as recorded in Book 1844, Page 2072, Register's Office Rutherford County, Tennessee (RODC), on the east by the City of Murfreesboro tract as recorded in Book 2035, Page 2745, RODC, on the east by the G Mamary LLC tract as recorded in Book 1586, Page 1332, RODC, on the south and east by the Troy Perryman tract as recorded in Book 628, Page 807, RODC, on the east by the Stag Murfreesboro tract as recorded in Book 1333, Page 3948, RODC, on the south and west by the Rollings Excavating tract as recorded in Book 584, Page 525, RODC, on the west by the Jeff Gill tract as recorded in Book 977, Page 1092, RODC, on the west by the Trust of Steven Quinn tract as recorded in Book 1088, Page 2213, RODC on the north on west by the Angela Vongshirath tract as recorded in Book 1626, Page 3187, RODC and on the east, south and west by the James Alford tract as recorded in Book 513, Page 284, RODC. Tract being described as follows:

Point of Beginning being on said southern ROW and being the northeastern corner of the said Angela Vongshirath tract; thence with said ROW thence South 79°34'23" East a distance of 196.24' to a point; thence South 83°59'48" East a distance of 75.83' to an iron rod old; thence with the common line of the said James Alford tract; thence South 10°16'40" West a distance of 81.82' to a point; thence South 15°36'06" West a distance of 142.19' to a point; thence South 76°04'03" East a distance of 89.05' to a point; thence North 07°02'04" East a distance of 117.06' to a point; thence North 10°33'36" East a distance of 119.80' to an iron rod old; thence with said ROW South 81°26'04" East a distance of 124.82' to a point; thence with the common line of the said South Muhammad Faisal tact 10°04'52" West a distance of 228.41' to a point; thence South 77°10'08" East a distance of 100.70' to a point; thence with the common lines of the said City of Murfreesboro tract and G Mamary LLC tract South 17°28'04" West a distance of 473.62' to a point; thence with the common lines of the said Troy Perryman tract and the Stag Murfreesboro tract North 72°50'20" West a distance of 297.93' to an iron rod old; thence South 16°47'37" West a distance of 301.01' to a point; thence with the common line of the said Rollings Excavating tract North 76°36'00" West a distance of 286.30' to a point; thence with the common lines of the said Rollings Excavating tract, the Jeff Gill tract and the Steven Quinn tract North 08°07'05" East a distance of 326.60' to a point; thence with the common lines of the said Angela Vongshirath tract South 77°17'00" East a distance of 157.00' to an iron rod old; thence North 06°49'16" East a distance of 615.52' to the point of beginning,

Having an area of 409,798 square feet or 9.41 acres.

SURVEYOR'S COMMENTS

Commitment of Title Insurance by: Old Republic National Title Insurance Company
File Number: 34181-1
Date: December 29, 2020 @ 8:00 AM

Schedule B Exceptions

- Item #
- Record Book 299, Page 232. Affects property as shown. Tract I
 - Record Book 1271, Page 1922. Affects non plottable. Tract I
 - Record Book 178, Page 43. Does not affect. Tract I
 - Record Book 299, Page 235. Only affects if construction is not complete. Tract II
 - Record Book 299, Page 237. Only affects if construction is not complete. Tract III
 - Book 327, Page 623. Affects property as shown. Tract III

SURVEYOR'S CERTIFICATE

To: City Church, a Tennessee nonprofit corporation, Henderson Family Properties Limited Partnership, a Tennessee limited partnership and Old Republic National Title Insurance Company.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 2.3, 4.7(b)(1), 8.11(a), & 13 of Table A thereof. The field work was completed on May 25, 2021

Date of Plat or Map: May, 28, 2021

















By:  Date: 5/28/21
JASON J. STIVERS TN REGISTERED SURVEYOR'S No. 2219

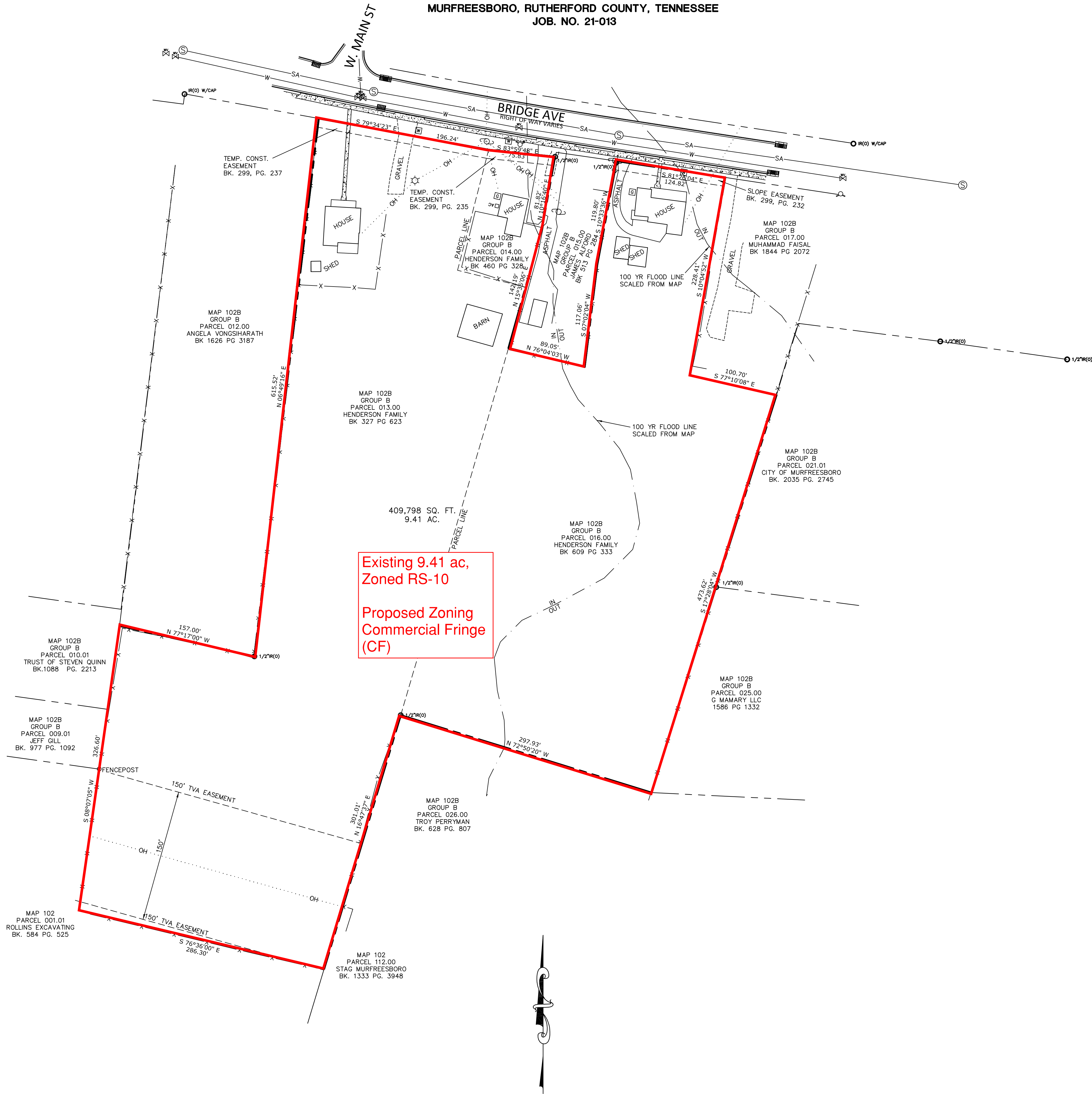


PREPARED BY
STIVERS LAND SURVEYING
RLS 2219
1134 LAKEWOOD DR., GALLATIN TN. 37066
615-839-1171
stiverslandsurveying@gmail.com



LEGEND

FIRE HYDRANT	
WATER METER	
WATER VALVE	
GAS METER	
GAS VALVE	
ELECTRIC METER	
IRON ROD (OLD)	
SANITARY SEWER MANHOLE	
UTILITY POLE	
GUY WIRE	
LIGHT POLE	
PROPERTY LINE	
OVERHEAD POWER LINE	
SANITARY SEWER LINE	
STORM SEWER LINE	
WATER LINE	



PROPERTY DESCRIPTION

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thence with the common lines of the said Angela Vongsiharath tract South 77°17'00" East a distance of 157.00' to an iron rod old;
thence North 06°49'16" East a distance of 615.52' to the point of beginning,

Having an area of 409,798 square feet or 9.41 acres.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 13, 2021

6:00 P.M.

CITY HALL

MEMBERS PRESENT

Kathy Jones, Chair
Ken Halliburton, Vice-Chair
Jami Averwater
Rick LaLance
Warren Russell
Chase Salas
Shawn Wright

STAFF PRESENT

Greg McKnight, Planning Director
Matthew Blomeley, Assistant Planning Director
Marina Rush, Principal Planner
Holly Rush, Principal Planner
Joel Aguilera, Planner
Carolyn Jaco, Recording Assistant
Roman Hankins, Assistant City Attorney
David Ives, Deputy City Attorney
Sam Huddleston, Executive Dir. Dev. Services

1. Call to order

Chair Kathy Jones called the meeting to order at 6:00 p.m.

2. Determination of a quorum

Chair Jones determined that a quorum was present.

3. Approve minutes of the September 15, 2021, Planning Commission meeting.

Mr. Warren Russell moved to approve the Minutes of the September 15, 2021 meeting; the motion was seconded by Mr. Chase Salas and carried by the following vote:

Aye: Kathy Jones
Ken Halliburton
Jami Averwater
Rick LaLance
Warren Russell
Chase Salas
Shawn Wright

Nay: None

4. Public Hearings and Recommendations to City Council:

Zoning application [2021-418] for approximately 8.4 acres located along Bridge Avenue to be rezoned from RS-10 to CF and approximately 1 acre to be rezoned from H-I to CF, City

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 13, 2021

Church applicant. Ms. Holly Smyth presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

Mr. Jack Parker (design engineer) and Mr. Joey Rhyne (contractor) were in attendance representing the application.

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

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

Aye: Kathy Jones

Ken Halliburton

Jami Averwater

Rick LaLance

Warren Russell

Chase Salas

Shawn Wright

Nay: None

Annexation petition and plan of services [2021-507] for approximately 15.6 acres located north of Dejarnette Lane, Calvary Baptist Church applicant. Ms. Holly Smyth presented the Staff Comments regarding this item, a copy which is maintained in the permanent files of the Planning Department and is incorporated into these Minutes by reference.

Chair Kathy Jones opened the public hearing.

1. **Mr. William Campbell, 819 Templeton Lane** - opposes this annexation request due to the ongoing increase in school traffic, noise, and light pollution.

ORDINANCE 21-OZ-33 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 8.4 acres located along Bridge Avenue from Single-Family Residential Ten (RS-10) District to Commercial Fringe (CF) District and approximately 1 acre from Heavy Industrial (H-I) District to Commercial Fringe (CF) District; City Church, applicant(s) [2021-418].

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 Commercial Fringe (CF) 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:

1st reading _____
2nd reading _____

Shane McFarland, Mayor

ATTEST:

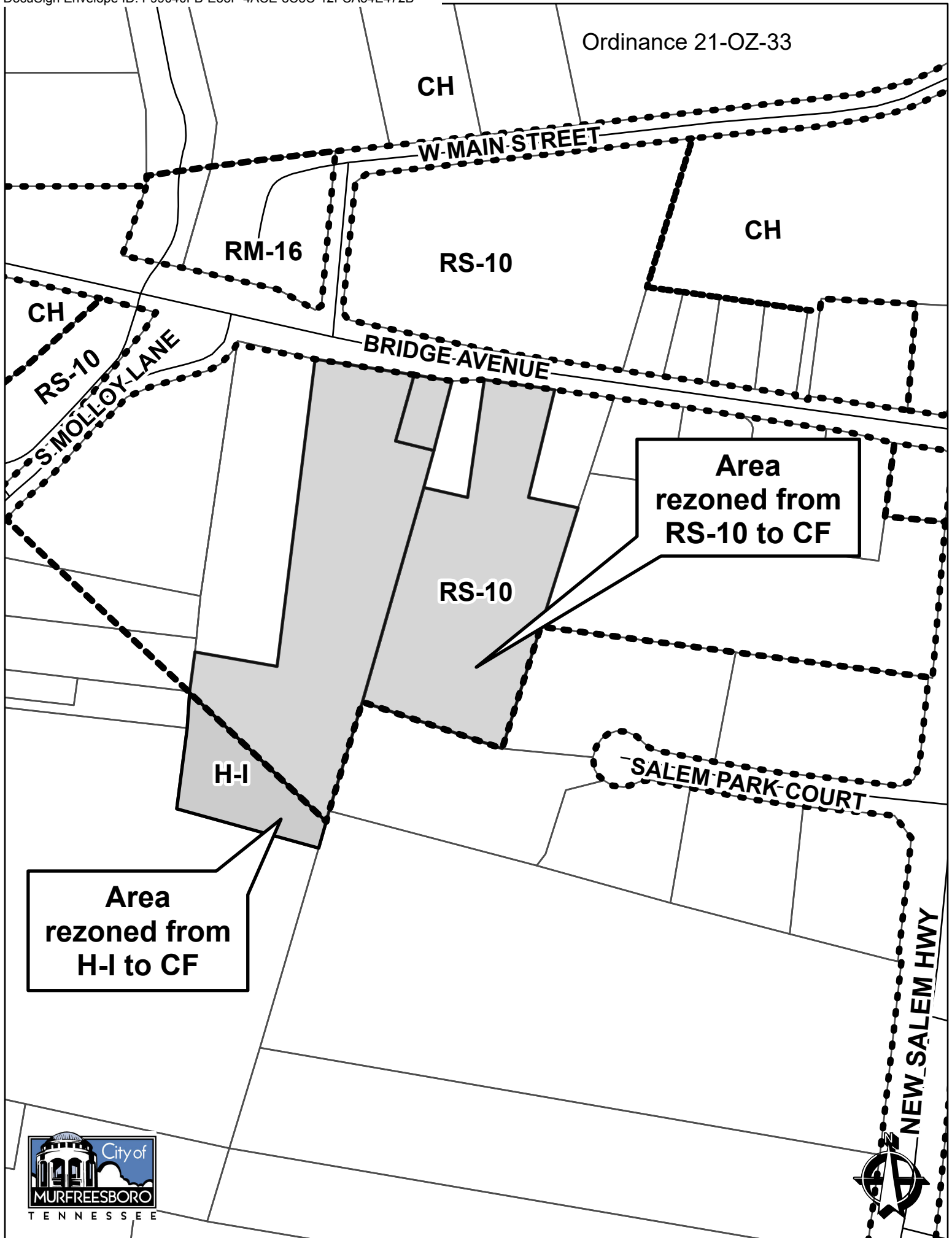
Jennifer Brown
City Recorder

APPROVED AS TO FORM:

DocuSigned by:
Adam F. Tucker

43A2035E51F9401...
Adam F. Tucker
City Attorney

SEAL



COUNCIL COMMUNICATION

Meeting Date: 12/02/2021

Item Title: Rezoning property along Franklin Road
[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 33.6 acres located along the north side of Franklin Road west of Fortress Boulevard.

Staff Recommendation

Conduct a public hearing and enact the ordinance establishing the requested zoning.
The Planning Commission recommended approval of the rezoning.

Background Information

Lennar Homes of Tennessee, LLC presented a zoning application [2021-419] for approximately 29.1 acres located along the north side of Franklin Road to be rezoned from RS-12 and RS-15 (Single-Family Residential Districts) to RS-8 and approximately 4.5 acres to be rezoned from RS-15 to CF (Commercial Fringe District). During its regular meeting on October 13, 2021, the Planning Commission conducted a public hearing on this matter and then voted to recommend its approval.

Council Priorities Served

Improve Economic Development

This rezoning will enable the development of commercial outparcels along Franklin Road, which, upon development, could create jobs for the community and generate tax revenue for the City.

Attachments:

1. Ordinance 21-OZ-36
2. Maps of the area
3. Planning Commission staff comments from 10/13/2021 meeting
4. Planning Commission minutes from 10/13/2021 meeting
5. Other miscellaneous exhibits

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
OCTOBER 13, 2021
PROJECT PLANNER: MARINA RUSH**

- 4.f. Zoning application [2021-419] for approximately 29.1 acres located along Franklin Road to be rezoned from RS-12 and RS-15 to RS-8 and approximately 4.5 acres to be rezoned from RS-15 to CF, Lennar Homes of Tennessee, LLC developer.**

The subject property consists of one parcel totaling approximately 33.61 acres. It is located along the north side of Franklin Road east of Fortress Boulevard and is identified as Tax Map 93, Parcel 17.02. The applicant, Lennar Homes of Tennessee, submitted an application to zone the subject property from RS-15 and RS-12 (Single-family Residential Districts) to RS-8 and CF (Commercial Fringe District). The portion proposed for RS-8 is approximately 29.1 acres and the applicants wish to develop it with single-family detached residential lots. The portion that is proposed for CF zoning is approximately 4.5 acres and is the southern portion of the property fronting along Franklin Road.

The RS-8 zoning district permits single-family residential detached uses on lots of at least 8,000 square-feet. On a side note, the Zoning Ordinance was recently amended to require that at least 75% of all exterior facades for single-family homes in the RS-8 zone be comprised of brick, stone, or cementitious siding to minimize the potential for fire damage.

Adjacent Zoning and Land Uses

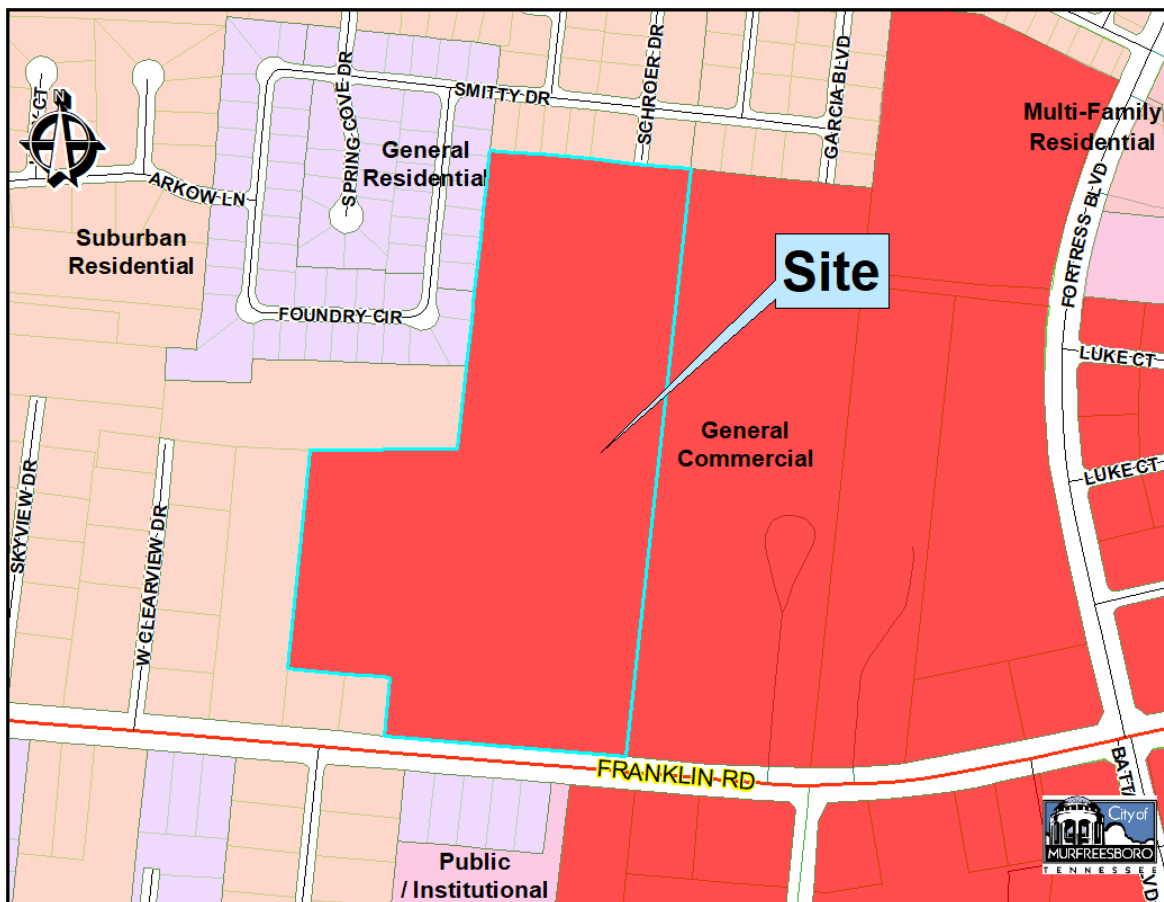
The adjacent properties are zoned for and developed with a mixture of uses. The properties to the east are zoned RS-15 and are primarily undeveloped and further east is the Victory Station PUD (Planned Unit District) with a mixture of commercial and residential uses. To the north is zoned RS-12 and developed with single-family residences and northeast is the Blackman Cove PUD single-family residential subdivision. To the west, southwest, and south of Franklin Road are properties in the unincorporated portion of the County that are zoned RM (medium-density residential) and developed with single-family residences and duplexes. And finally, to the south and southeast are properties zoned PCD (Planned Commercial District) and CF with Toot's Restaurant and an approved site plan for Tire World.

Future Land Use Map

The future land use map (FLUM) of the Murfreesboro 2035 Comprehensive Plan (excerpt below) indicates that Auto-Urban (General) Commercial is the most appropriate land use for the project area. Auto-Urban (General) Commercial character

is typically high intensity commercial businesses with a large amount of land area for operations, and is typically developed with strip commercial, commercial centers, auto-focused commercial uses, restaurants, etc. and requires a significant amount of land area due primarily to providing on-site parking.

CF zoning is consistent with the General Commercial land use designation; however, the portion of the property that is proposed for RS-8 zoning is not consistent with the Future Land Use Map for General Commercial. The RS-8 zoning district is consistent with the “Auto-Urban (General) Residential” land use character, characterized by single family dwelling units on smaller parcels and townhome developments. In this case, although the zoning is not consistent with the FLUM the proposed RS-8 zoning would provide a good transition between commercial property to the south along Franklin Road and any existing and future single-family detached residential property to the north and northwest. Staff recommends that this is an appropriate instance to deviate from the recommendations of the FLUM. If the rezoning is adopted, staff recommends the FLUM be revised to reflect Auto-Urban (General) Residential for the northern portion of this property.



Recommendation:

Staff supports the zoning request to RS-8 and CF for the following reasons:

- 1) RS-8 zoning district permits single-family residential detached uses on lots of at least 8,000 square-feet, and the houses would be constructed with exterior facades of a minimum of 75% masonry materials of brick, stone, or cementitious siding to minimize the potential for fire damage.;
- 2) Any future development proposal will include a road connection to Franklin Road extending from Schroer Drive.;
- 3) The portion of the property proposed for CF zoning is consistent with the General Commercial land use designation.; and
- 4) The portion of the property proposed for RS-8 zoning is not consistent with the Future Land Use Map for General Commercial; it is consistent with the "Auto-Urban (General) Residential" land use character, characterized by single family dwelling units on smaller parcels and townhome developments. In this case, the proposed RS-8 zoning would provide a good transition between commercial property to the south and any existing and future single-family detached residential property to the north and west. Staff recommends that this is an appropriate instance to deviate from the recommendations of the FLUM.

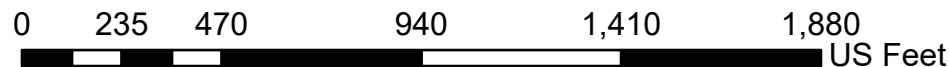
Action needed

The applicant will be available at the Planning Commission meeting to discuss the proposed rezoning request. The Planning Commission should conduct a public hearing and discuss this matter and then formulate a recommendation for the City Council.

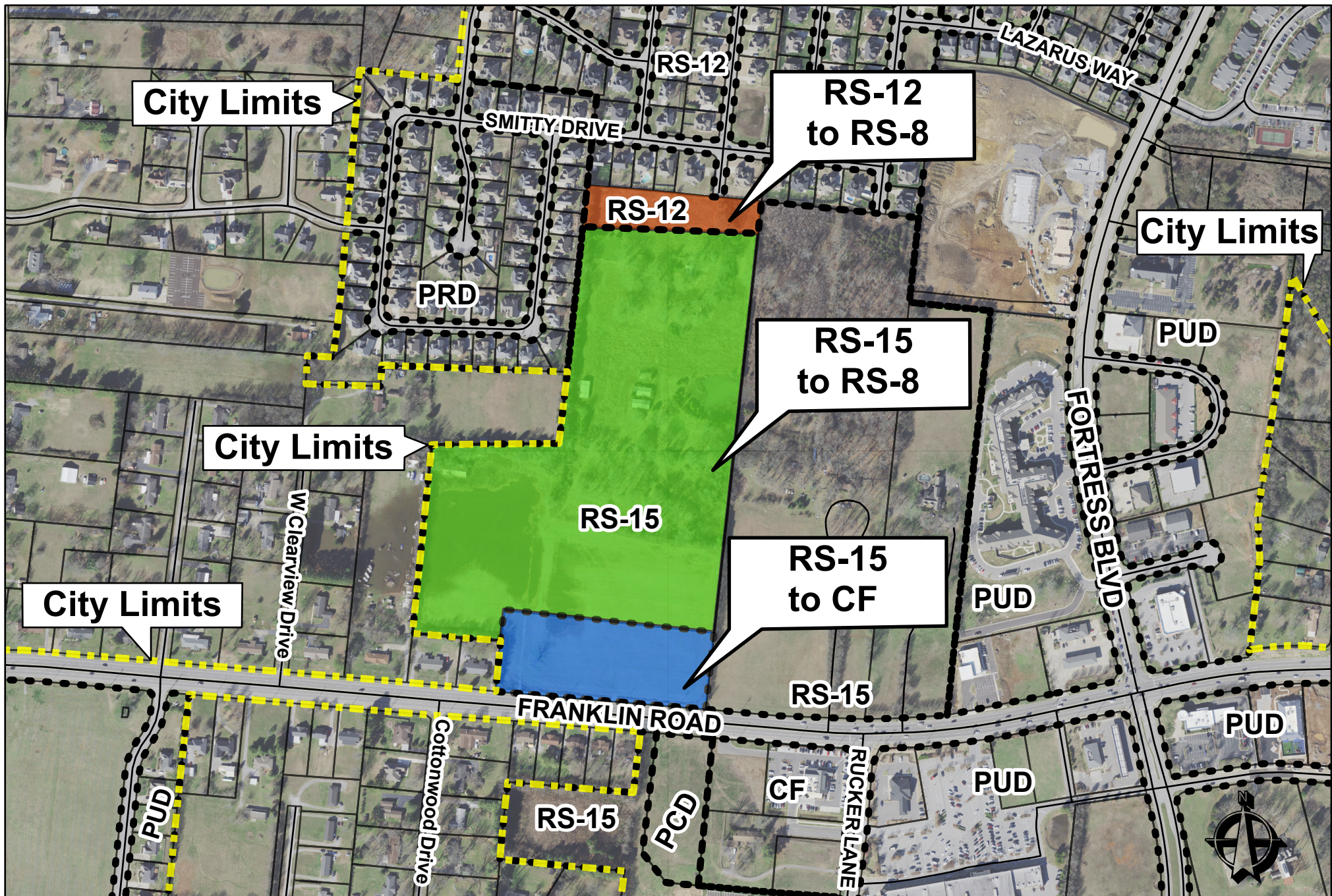
As an aside, it should be noted that after the public hearing was advertised, the applicants submitted a revised exhibit seeking approximately 25' of additional depth for the proposed CF zoning along the Franklin Road frontage. Staff has reviewed this change with the Legal Department, and it has been determined that the nature of this modification is minor enough to not warrant rescheduling and readvertising the public hearing. The updated maps have been included in the agenda packet, and the Planning Commission will be taking action on the revised rezoning map exhibit.



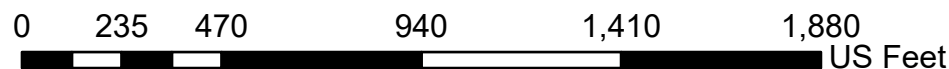
Rezoning Request for Property along Franklin Road RS-12 to RS-8, RS-15 to RS-8, and RS-15 to CF



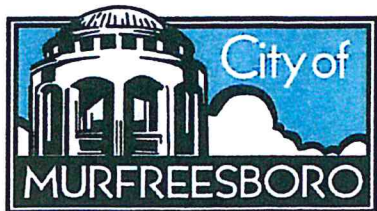
Planning Department
City of Murfreesboro
111 West Vine St
Murfreesboro, TN 37130
www.murfreesborotn.gov



Rezoning Request for Property along Franklin Road
RS-12 to RS-8, RS-15 to RS-8, and RS-15 to CF



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



T E N N E S S E E

Creating a better quality of life

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

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: Wendy Deats, Lennar - LENNAR HOMES OF TENNESSEE, LLC

Address: 381 Mallory Station **City/State/Zip:** Franklin, TN 37067

Phone: (615) 716-7188 **E-mail address:** Wendy.Deats@Lennar.com

PROPERTY OWNER: Melton Family, LLC

Street Address or property description: 4570 Franklin Road

and/or Tax map #: 93 **Group:** **Parcel (s): 17.02**

Existing zoning classification: RS-15

Proposed zoning classification: RS-8, CF **Acreage:** 33.61 Acres

Contact name & phone number for publication and notifications to the public (if different from the applicant): Matt Hamilton, Ragan-Smith Associates, (615) 546-6050

E-mail: mhamilton@ragansmith.com

APPLICANT'S SIGNATURE (required):  KEVIN STURGILL - VP OF LAND

DATE: 8/11/2021

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

Date received: **MPC YR.:** **MPC #:** 2021-419

Amount paid: \$ 700.00 **Receipt #:** 644312

Revised 7/20/2018



RaganSmith

August 12, 2021

HAND DELIVERY

Ms. Marina Rush
Planning and Zoning Department
City of Murfreesboro
111 W. Vine Street
Murfreesboro, TN 37130

**RE: MELTON FAMILY, LLC PROPERTY – REZONING
MURFREESBORO, TENNESSEE
RAGAN-SMITH JOB# 21-0216**

Dear Marina:

On behalf of Lennar Homes of Tennessee, LLC, we are pleased to submit the enclosed Rezoning Application for the above-referenced project. It is our intention for the submission to be considered at the August Planning Commission for rezoning from RS-15 to RS-8 and CF. Enclosed please find the following items:

- Rezoning Exhibit
- ALTA Survey
- Application
- Review Fee

Please contact me directly if there are any comments or concerns.

Sincerely,
RAGAN-SMITH ASSOCIATES, INC.

Kevin Guenther, PLA, LEED AP
Vice President

KDG:kal
Enclosures

NASHVILLE

315 Woodland Street
Nashville, TN 37206
(615) 244-8591

MURFREESBORO

100 East Vine Street, Suite 402
Murfreesboro, TN 37130
(615) 546-6050

CHATTANOOGA

1410 Cowart Street, Suite 200
Chattanooga, TN 37408
(423) 490-9400



Nashville - Murfreesboro - Chattanooga
ragansmith.com

WYNGATE
FOR
LENNAR

Scale: 1" = 60'

Date: 2021.08.10

Approved By: XXX

Revisions:

Drawing Title:

**PROPOSED
REZONING EXHIBIT**

Drawing No.

C1.0

Project No.
21-0216



MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 13, 2021

6:00 P.M.

CITY HALL

MEMBERS PRESENT

Kathy Jones, Chair
Ken Halliburton, Vice-Chair
Jami Averwater
Rick LaLance
Warren Russell
Chase Salas
Shawn Wright

STAFF PRESENT

Greg McKnight, Planning Director
Matthew Blomeley, Assistant Planning Director
Marina Rush, Principal Planner
Holly Rush, Principal Planner
Joel Aguilera, Planner
Carolyn Jaco, Recording Assistant
Roman Hankins, Assistant City Attorney
David Ives, Deputy City Attorney
Sam Huddleston, Executive Dir. Dev. Services

1. Call to order

Chair Kathy Jones called the meeting to order at 6:00 p.m.

2. Determination of a quorum

Chair Jones determined that a quorum was present.

3. Approve minutes of the September 15, 2021, Planning Commission meeting.

Mr. Warren Russell moved to approve the Minutes of the September 15, 2021 meeting; the motion was seconded by Mr. Chase Salas and carried by the following vote:

Aye: Kathy Jones
Ken Halliburton
Jami Averwater
Rick LaLance
Warren Russell
Chase Salas
Shawn Wright

Nay: None

4. Public Hearings and Recommendations to City Council:

Zoning application [2021-418] for approximately 8.4 acres located along Bridge Avenue to be rezoned from RS-10 to CF and approximately 1 acre to be rezoned from H-I to CF, City

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 13, 2021

Ken Halliburton

Jami Averwater

Rick LaLance

Warren Russell

Chase Salas

Shawn Wright

Nay: None

Zoning application [2021-419] for approximately 29.1 acres located along Franklin Road to be rezoned from RS-12 and RS-15 to RS-8 and approximately 4.5 acres to be rezoned from RS-15 to CF, Lennar Homes of Tennessee, LLC developer.

Mr. Matthew Blomeley made known for the record after the public notice had been advertised for this zoning application the applicant requested an additional 25 feet of depth be added to the proposed commercial area. Mr. Blomeley spoke with the City Legal Department, and they stated it was a minimal addition; and it would not need to be readvertised since it did not materially change the nature of the request. What is being proposed at this meeting is the revised request with the additional 25 feet of CF.

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

Mr. Kevin Guenther (landscape architect) was in attendance to represent the application.

Chair Kathy Jones opened the public hearing.

- 1. Ms. Kim Vanhoutte, 4555 Smitty Drive** - expressed her concerns with extending Smitty Drive to Franklin Road. Also, would existing trees be preserved?

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

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 13, 2021

Mr. Guenther came forward to explain that the road connection would occur with development. Addressing the existing trees, he said that they would have to honor a hydrology study. However, if there are wetlands with trees, they would preserve that area.

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

Aye: Kathy Jones

Ken Halliburton

Jami Averwater

Rick LaLance

Warren Russell

Chase Salas

Shawn Wright

Nay: None

Annexation petition and plan of services [2021-509] for the following rights-of-way ROW):

Approximately 85 linear feet of Parkwood Drive ROW;

Approximately 140 linear feet of Woodcrest Drive ROW; and

Approximately 100 linear feet of Westridge Drive ROW,

Rutherford County Engineering Dept. applicant.

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

Mr. Chris Maguire of Huddleston-Steele Engineering was in attendance to represent the application.

ORDINANCE 21-OZ-36 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 29.1 acres located along Franklin Road from Single-Family Residential Twelve (RS-12) District and Single-Family Residential Fifteen (RS-15) District to Single-Family Residential Eight (RS-8) District and approximately 4.5 acres from Single-Family Residential Fifteen (RS-15) District; Lennar Homes of Tennessee, LLC, applicant(s) [2021-419].

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 Residential Eight (RS-8) and Commercial Fringe (CF) 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:

1st reading _____

2nd reading _____

Shane McFarland, Mayor

ATTEST:

Jennifer Brown
City Recorder

APPROVED AS TO FORM:

DocuSigned by:
Adam F. Tucker

43A2035E51F9401...
Adam F. Tucker
City Attorney

SEAL

Ordinance 21-OZ-36

City Limits

SMITTY DRIVE

SCHROER DRIVE

PICCADILLY DRIVE

RS-12

Area rezoned
from
RS-12 to RS-8

PRD

PUD

FOUNDRY CIRCLE

RS-15

Area rezoned
from
RS-15 to RS-8

City Limits

Area rezoned
from
RS-15 to CF

W. Clearview Drive

FRANKLIN ROAD

City Limits

PCD

CF

RUCKER LANE

RS-15



COUNCIL COMMUNICATION

Meeting Date: 12/02/2021

Item Title: Plan of Services and Annexation for Rights-of-Way of Parkwood Drive, Woodcrest Drive, and Westridge Drive
[Public Hearing Required]

Department: Planning

Presented By: Matthew Blomeley, AICP, Assistant Planning Director

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

Annexation of 85'-long segment of Parkwood Drive right-of-way, 140'-long segment of Woodcrest Drive right-of-way, and 100'-long segment of Westridge Drive right-of-way.

Staff Recommendation

Conduct a public hearing and approve the Plan of Services and the requested annexation.

The Planning Commission recommended approval of the plan of services and annexation.

Background Information

Huddleston-Steele Engineering, on behalf of the Rutherford County Engineering Department, has initiated an annexation request [2021-509] for an 85'-long segment of Parkwood Drive right-of-way, a 140'-long segment of Woodcrest Drive right-of-way, and a 100'-long segment of Westridge Drive right-of-way. The City developed its plan of services for this area. During its regular meeting on October 13, 2021, the Planning Commission conducted a public hearing on this matter and then voted to recommend its approval.

Council Priorities Served

Expand Infrastructure

Roadways are being constructed and/or improved in these existing rights-of-way in conjunction with the development of the Rivers Edge subdivision. The construction of these roadways will allow for additional connectivity between the neighborhoods in the area, including the completion of Parkwood Drive, which will be a north-south route from Cason Lane to Veterans Parkway.

Attachments:

1. Resolution 21-R-PS-37
2. Resolution 21-R-A-37
3. Maps of the area
4. Planning Commission staff comments from 10/13/2021 meeting
5. Planning Commission minutes from 10/13/2021 meeting
6. Plan of services
7. Other miscellaneous exhibits

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
OCTOBER 13, 2021
PROJECT PLANNER: MARINA RUSH**

4.g. Annexation petition and plan of services [2021-509] for the following rights-of-way (ROW):

- **Approximately 85 linear feet of Parkwood Drive ROW;**
- **Approximately 140 linear feet of Woodcrest Drive ROW; and**
- **Approximately 100 linear feet of Westridge Drive ROW**

Rutherford County Engineering Department applicant.

The Rutherford County Engineering Department is requesting the City to annex the rights-of-way for three existing right-of-way (ROW) segments in Rutherford County, as depicted on the attached maps. Annexation of the requested right-of-way segments is in conjunction with the Rivers Edge Subdivision, Section V, which is being developed in the City of Murfreesboro. Because proposed lots within this subdivision will front and have driveways on these existing ROW segments, County Engineering has indicated its preference for the subject rights-of-way to be located within the City limits as well. The subdivision developer has filed the annexation request on behalf of the County in order to move development of the subdivision forward.

The requested ROW segments are as follows:

1. Parkwood Drive = 0.10-acre section, includes approximately 85 linear feet; and
2. Intersection of Westridge Drive and Woodcrest Drive = 0.27-acre section, includes approximately 140 linear feet of Woodcrest Drive and 100 linear feet of Westridge Drive

The study area is located within the City of Murfreesboro's Urban Growth Boundary and is contiguous with the City limits, as depicted on the attached maps. At its September meeting, the Rutherford County Road Board voted to grant its consent for the City to annex these rights-of-way. Because the entirety of the study area is ROW, there is no companion zoning request.

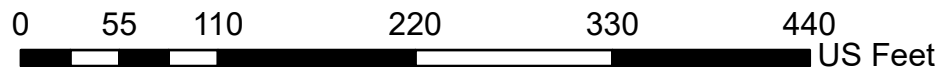
Staff has prepared a plan of services for the proposed annexation, and it is attached to this staff report for the Planning Commission's review. City services can be provided to the study area upon annexation.

Action Needed:

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



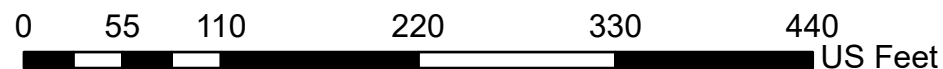
Annexation Request for
Westridge Drive, Woodcrest Drive, and Parkwood Drive ROW



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



Annexation Request for
Westridge Drive, Woodcrest Drive, and Parkwood Drive ROW



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

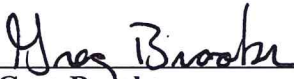
Consent for Annexation of Public Rights-of-Way by the City of Murfreesboro

The City of Murfreesboro, Tennessee has initiated an annexation study of the following public rights-of-way as shown on the attached Exhibits, which specifically includes:

- that section of Parkwood Drive beginning at the north boundary line of 2948 Parkwood Drive northward to the northern boundary line of 2935-2937 Parkwood Drive totaling approximately 85 linear feet ("County Right-of-Way"), such section being a portion of the prescriptive/platted right-of-way for Parkwood Drive shown in the current Rutherford County Highway Department Road Book.;
- that section of Woodcrest Drive beginning at the intersection with Westridge Drive northward to the northern boundary line of 1566-1568 Westridge Drive totaling approximately 140 linear feet ("County Right-of-Way"), such section being a portion of the prescriptive/platted right-of-way for Woodcrest Drive shown in the current Rutherford County Highway Department Road Book.; and
- that section of Westridge Drive beginning at its eastern terminus south of Woodcrest Drive totaling approximately 100 linear feet ("County Right-of-Way"), such section being a portion of the prescriptive/platted right-of-way for Westridge Drive 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 September 2, 2021 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 7th day of September 2021.



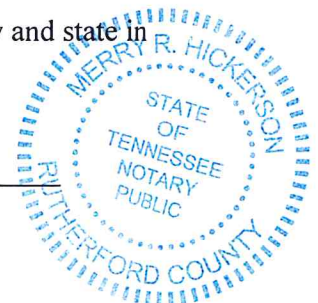
Greg Brooks
Rutherford County Road Superintendent

Sworn to and subscribed before me, a notary public in and for said county and state in Murfreesboro, Tennessee on the 7th day of September, 2021



NOTARY PUBLIC

My Commission Expires: 4-23-2024



August 12, 2021

Mr. Greg McKnight
City of Murfreesboro Planning Director
111 W. Vine Street
Murfreesboro, TN 37130

**Re: Rivers Edge V-Petition for Annexation by the City of Murfreesboro
Parkwood Drive & the intersection of Westridge Drive and Woodcrest Drive
Existing Rutherford County ROW**

Dear Greg:

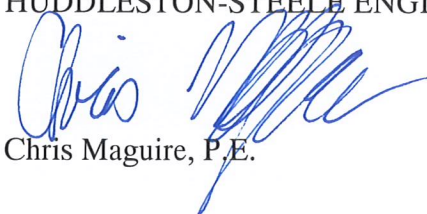
Attached is a Legal Description and Exhibit for the above noted subdivision to petition for Annexation of two areas of existing Rutherford County Right of Way into the City of Murfreesboro. The two areas that make up this Annexation request are an 0.10 Acre section on Parkwood Drive and an 0.27 Acre section at the intersection of Westridge Drive and Woodcrest Drive.

This petition comes to you today at the request of Rutherford County Engineering to connect the proposed Rivers Edge Section V development's, which is currently in the City of Murfreesboro, infrastructure to the existing infrastructure currently within Rutherford County Right of Way.

Please contact us if you have any questions or comments.

Sincerely,

HUDDLESTON-STEEL ENGINEERING, INC.



Chris Maguire, P.E.

Cc:

Annexation Request No. 1

Located in the 11th Civil District of Rutherford County, Tennessee. Being part of dedicated right-of-way for Westridge Drive and dedicated right-of-way for Woodcrest Drive (Plat Book 5, Page 33); bound on the northeast and east by Rivers Edge Investments, LLC (Record Book 1921, Page 2239); on the south by Lot 11, section II, Parkwood Estates (Plat Book 5, Page 33); on the west by Westridge Drive; and on the northwest by Lot 15, Section II, Parkwood Estates (Plat Book 5, Page 33).

Beginning at a point on the west right-of-way of Woodcrest Drive lying approximately 140 feet north of the north right-of-way of Westridge Drive, said pin being the eastern most corner of Lot 15, Section II, Parkwood Estates and the northern most corner of this tract; thence crossing the north end of Woodcrest Drive S-60°36'18"-E, 47.9 feet to a point; thence with the east right-of-way of Woodcrest Drive S-29°30'-W, 85.0 feet to a point; thence S-33°54'-E, 43.8 feet to a point; thence S-14°02'-W, 50.0 feet to a point on the south right-of-way of Westridge Drive, being the SE corner of this tract; thence with the south right-of-way of Westridge Drive and a curve to the left having a radius of 331.26 feet and a chord bearing and distance of N-81°29'-W, 63.7 feet, for an arc length of 63.8 feet to a point; thence continuing with the south right-of-way of Westridge Drive S-87°-E, 33.2 feet to a point, being the SW corner of this tract; thence crossing Westridge Drive N-03°-E, 50.0 feet to a point on the north right-of-way of Westridge Drive; thence with a curve to the left having a radius of 20 feet and a chord bearing and distance of N-61°15'-E, 21.01 feet, for an arc length of 22.2 feet to a point on the west right-of-way of Woodcrest Drive; thence with the west right-of-way of Woodcrest Drive N-29°30'-E, 127.6 feet to the point at the beginning; containing 11,896 square feet, or 0.27 acre, more or less.

This tract is dedicated public right-of-way for Westridge Drive and Woodcrest Drive as recorded in Plat Book 5, Page 33, R.O.R.C.

Prepared by: Huddleston-Steele Engineering, Inc., 2115 Northwest Broad Street, Murfreesboro, TN 37129 from the Final Plat of Section II, Parkwood Estates as recorded in Plat Book 5, Page 33, R.O.R.C.

Annexation Request No. 2

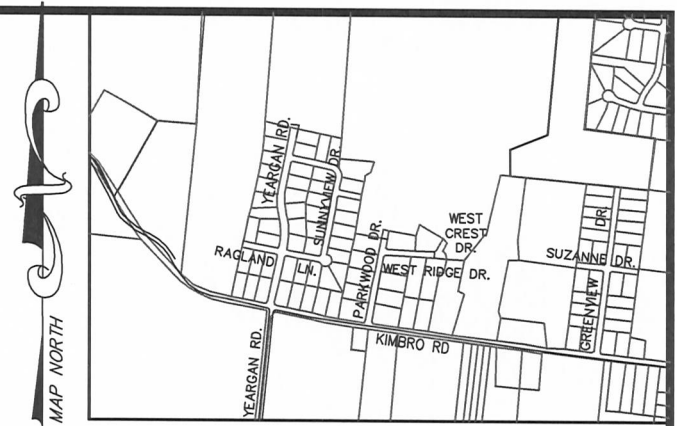
Located in the 11th Civil District of Rutherford County, Tennessee. Being part of dedicated right-of-way for Parkwood Drive (Plat Book 5, Page 33); bound on the west and north by Rivers Edge Investments, LLC (Record Book 1921, Page 2239); on the east by Lot 14, Section II, Parkwood Estates (Plat Book 5, Page 33); and on the south by Parkwood Drive.

Beginning at a point on the east right-of-way of Parkwood Drive lying approximately 160 feet north of the north right-of-way of Westridge Drive, said pin being the NW corner of Lot 14, Section II, Parkwood Estates and the NE most corner of this tract; thence with the east right-of-way of Parkwood Drive S-10°30'-W, 84.6 feet to a point, being the SE corner of this tract; thence crossing Parkwood Drive N-79°30'-W, 50.0 feet to a point of the west right-of-way of Parkwood Drive, being the SW corner of this tract; thence with the west right-of-way of Parkwood Drive N-10°30'-E, 84.6 feet to a point, being the NW corner of this tract; thence S-79°30'-E, 50.0 feet to the point at the beginning; containing 4,229 square feet, or 0.10 acre, more or less.

This tract is dedicated public right-of-way for Parkwood Drive as recorded in Plat Book 5, Page 33, R.O.R.C.

Prepared by: Huddleston-Steele Engineering, Inc., 2115 Northwest Broad Street, Murfreesboro, TN 37129 from the Final Plat of Section II, Parkwood Estates as recorded in Plat Book 5, Page 33, R.O.R.C.

CURVE TABLE					
CURVE	DELTA	RADIUS	ARC	CHORD BRG.	CHORD DIST.
C1	63°30'00"	20.00'	22.17'	N61°15'00"E	21.05
C2	11°02'00"	331.26'	63.79'	N81°29'00"W	63.69



LOCATION MAP

100' DIA. TEMPORARY
TURN AROUND
(P.B. 5, PG. 33)

Rivers Edge Investments, LLC
Record Book 1921, Page 2239
Zoning RS-10

S79°30'00"E
50.00'

N10°30'00"E
84.57'

S10°30'00"W
84.57'

14
PARKWOOD ESTATES
SECTION II
PLAT BOOK 5, PAGE 33
ZONING: RM (COUNTY)

15
PARKWOOD ESTATES
SECTION II
PLAT BOOK 5, PAGE 33
ZONING: RM (COUNTY)

10' DRAINAGE
EASEMENT

WOODCREST
DRIVE

S29°30'00"W
122.68'

(PUBLIC R/W)

N12°30'00"E
88.00'

N33°30'00"W
43.50'

N14°02'00"E
50.60'

Rivers Edge Investments, LLC
Record Book 1921, Page 2239
Zoning RS-10

100' DIA. TEMPORARY
TURN AROUND
(P.B. 5, PG. 33)

SARAH DELBRIDGE
RECORD BOOK 1327, PAGE
3893
ZONING: RM (COUNTY)

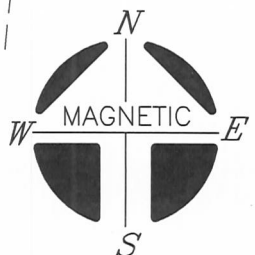
PARKWOOD DRIVE
(PUBLIC R/W)

WESTRIDGE DRIVE

PARKWOOD ESTATES
SECTION II
PLAT BOOK 5, PAGE 33
ZONING: RM (COUNTY)

13
PARKWOOD ESTATES
SECTION II
PLAT BOOK 5, PAGE 33
ZONING: RM (COUNTY)

ANNEXATION EXHIBIT



HS HUDDLESTON-STEELE
ENGINEERING, INC.

2115 N.W. BROAD STREET, MURFREESBORO, TN 37129
TELEPHONE: 893 - 4084, FAX: 893 - 0080

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 13, 2021

6:00 P.M.

CITY HALL

MEMBERS PRESENT

Kathy Jones, Chair
Ken Halliburton, Vice-Chair
Jami Averwater
Rick LaLance
Warren Russell
Chase Salas
Shawn Wright

STAFF PRESENT

Greg McKnight, Planning Director
Matthew Blomeley, Assistant Planning Director
Marina Rush, Principal Planner
Holly Rush, Principal Planner
Joel Aguilera, Planner
Carolyn Jaco, Recording Assistant
Roman Hankins, Assistant City Attorney
David Ives, Deputy City Attorney
Sam Huddleston, Executive Dir. Dev. Services

1. Call to order

Chair Kathy Jones called the meeting to order at 6:00 p.m.

2. Determination of a quorum

Chair Jones determined that a quorum was present.

3. Approve minutes of the September 15, 2021, Planning Commission meeting.

Mr. Warren Russell moved to approve the Minutes of the September 15, 2021 meeting; the motion was seconded by Mr. Chase Salas and carried by the following vote:

Aye: Kathy Jones
Ken Halliburton
Jami Averwater
Rick LaLance
Warren Russell
Chase Salas
Shawn Wright

Nay: None

4. Public Hearings and Recommendations to City Council:

Zoning application [2021-418] for approximately 8.4 acres located along Bridge Avenue to be rezoned from RS-10 to CF and approximately 1 acre to be rezoned from H-I to CF, City

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 13, 2021

Mr. Guenther came forward to explain that the road connection would occur with development. Addressing the existing trees, he said that they would have to honor a hydrology study. However, if there are wetlands with trees, they would preserve that area.

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

Aye: Kathy Jones

Ken Halliburton

Jami Averwater

Rick LaLance

Warren Russell

Chase Salas

Shawn Wright

Nay: None

Annexation petition and plan of services [2021-509] for the following rights-of-way ROW):

Approximately 85 linear feet of Parkwood Drive ROW;

Approximately 140 linear feet of Woodcrest Drive ROW; and

Approximately 100 linear feet of Westridge Drive ROW,

Rutherford County Engineering Dept. applicant.

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

Mr. Chris Maguire of Huddleston-Steele Engineering was in attendance to represent the application.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 13, 2021

Chair Kathy Jones opened the public hearing.

1. **Mr. Dale Jackson, 1563 & 1565 Westridge Drive** – wanted to know if Parkwood Drive, Westridge Drive, and Woodcrest Drive be widened with this proposal?

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

Mr. Maguire stated that there would not be any changes to Mr. Jackson's property. However, he explained the rights-of-way would be improved and a pipe would be placed along the north side for drainage.

There being no further discussion, Mr. Warren Russell moved to approve the annexation petition subject to all staff comments; the motion was seconded by Ms. Jami Averwater and carried by the following vote:

Aye: Kathy Jones

Ken Halliburton

Jami Averwater

Rick LaLance

Warren Russell

Chase Salas

Shawn Wright

Nay: None

Annexation petition and plan of services [2021-510] for approximately 123 acres located along Veals Road and Double Springs Road, and rights-of-way of approximately 2,400 linear feet of Veals Road and 2,430 linear feet of Double Springs Road, Hall Family Real Estate Partnership applicant. Ms. Marina Rush presented the Staff Comments regarding this item, a copy which is maintained in the permanent files of the Planning Department and incorporated into these Minutes by reference.

RESOLUTION 21-R-PS-37 to adopt a Plan of Services for approximately 85 linear feet located along Parkwood Drive ROW, 140 linear feet located along Woodcrest Drive ROW, and 100 linear feet located along Westridge Drive ROW, Rutherford County Engineering Department, applicant(s) [2021-509].

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 September 1, 2021 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; and,

WHEREAS, a Public Hearing on the proposed Plan of Services was held before the City Council of the City of Murfreesboro, Tennessee on December 2, 2021, pursuant to a Resolution passed and adopted by the City Council on October 21, 2021, and notice thereof published in The Murfreesboro Post, a newspaper of general circulation in said City, on November 16, 2021; 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 21-R-A-37**, the public welfare and the welfare of the City requiring it.

Passed: _____

Shane McFarland, Mayor

ATTEST:

Jennifer Brown
City Recorder

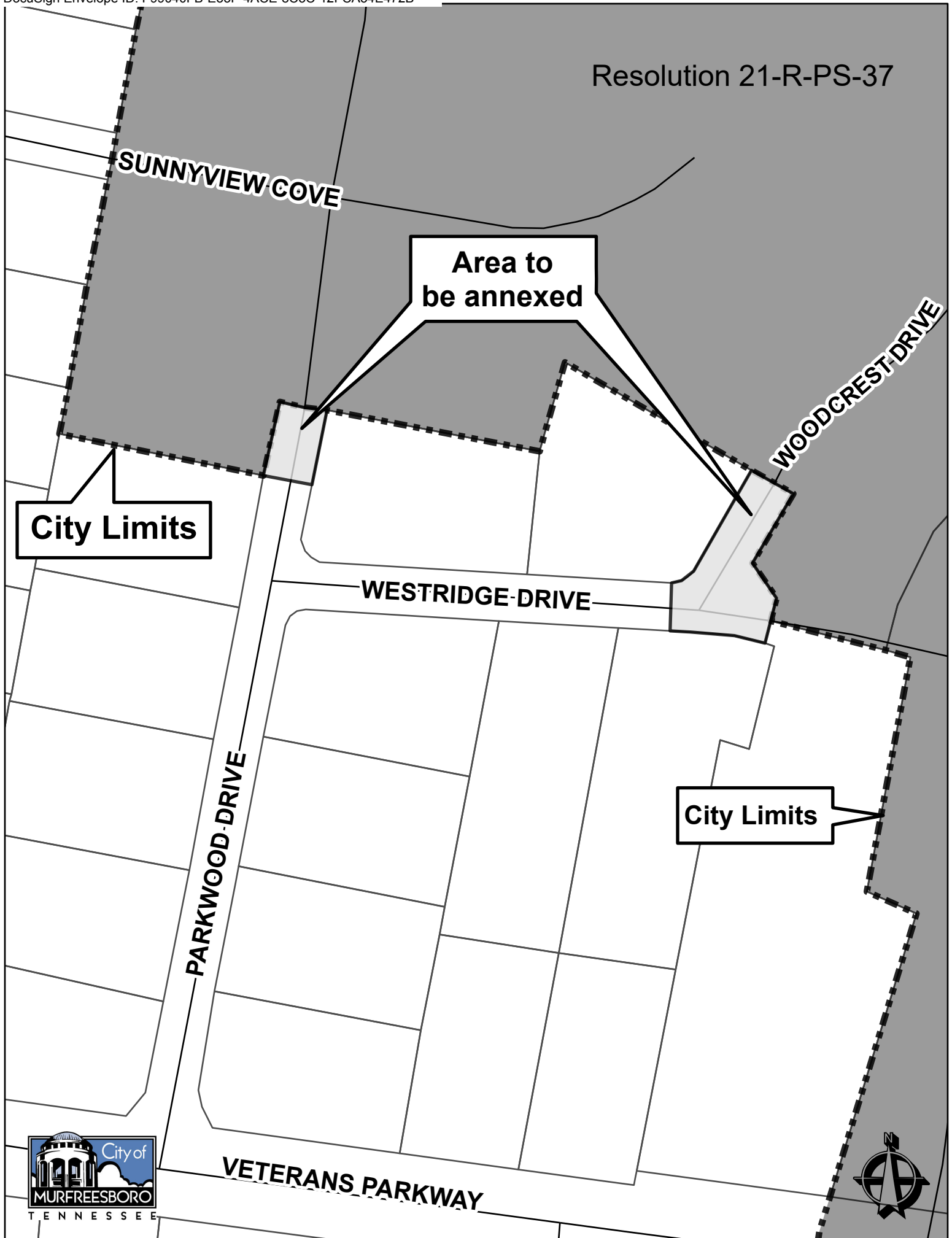
APPROVED AS TO FORM:

DocuSigned by:
Adam F. Tucker

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Adam F. Tucker
City Attorney

SEAL

Resolution 21-R-PS-37



Resolution 21-R-PS-37

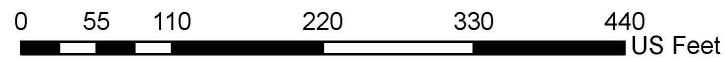
**ANNEXATION REPORT FOR PORTIONS OF
PARKWOOD DRIVE, WOODCREST DRIVE,
AND WESTRIDGE DRIVE RIGHTS-OF-WAY
INCLUDING PLAN OF SERVICES
(FILE 2021-509)**



**PREPARED FOR THE
MURFREESBORO PLANNING COMMISSION
OCTOBER 13, 2021**



Annexation Request for
Westridge Drive, Woodcrest Drive, and Parkwood Drive ROW



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

INTRODUCTION

OVERVIEW

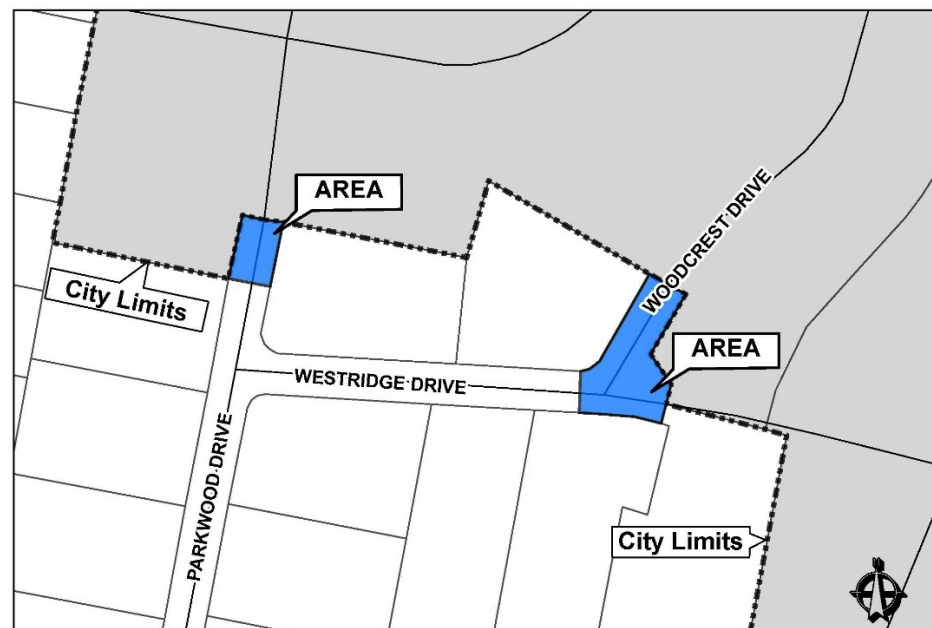
The Rutherford County Engineering Department is requesting the City to annex three existing right-of-way (ROW) segments in Rutherford County, as depicted on the attached maps. Annexation of the requested right-of-way segments is in conjunction with the Rivers Edge Subdivision, Section V, which is being developed in the City of Murfreesboro. Because proposed lots within this subdivision will front and have driveways on these existing ROW segments, County Engineering has indicated its preference for the subject rights-of-way to be located within the City limits as well. The subdivision developer has filed the annexation request on behalf of the County in order to move development of the subdivision forward. The total study area is 0.37-acre of ROW.

The requested ROW segments are as follows:

1. Parkwood Drive = 0.10-acre section, includes approximately 85 linear feet; and
2. Intersection of Westridge Drive and Woodcrest Drive = 0.27-acre

section, includes approximately 140 linear feet of Woodcrest Drive and 100 linear feet of Westridge Drive

The study area is located within the City of Murfreesboro's Urban Growth Boundary and is contiguous with the City limits along portions of the north, west, east, and south property lines, as depicted on the attached maps. The Rutherford County Road Board voted to grant its consent for the City to annex these rights-of-way.



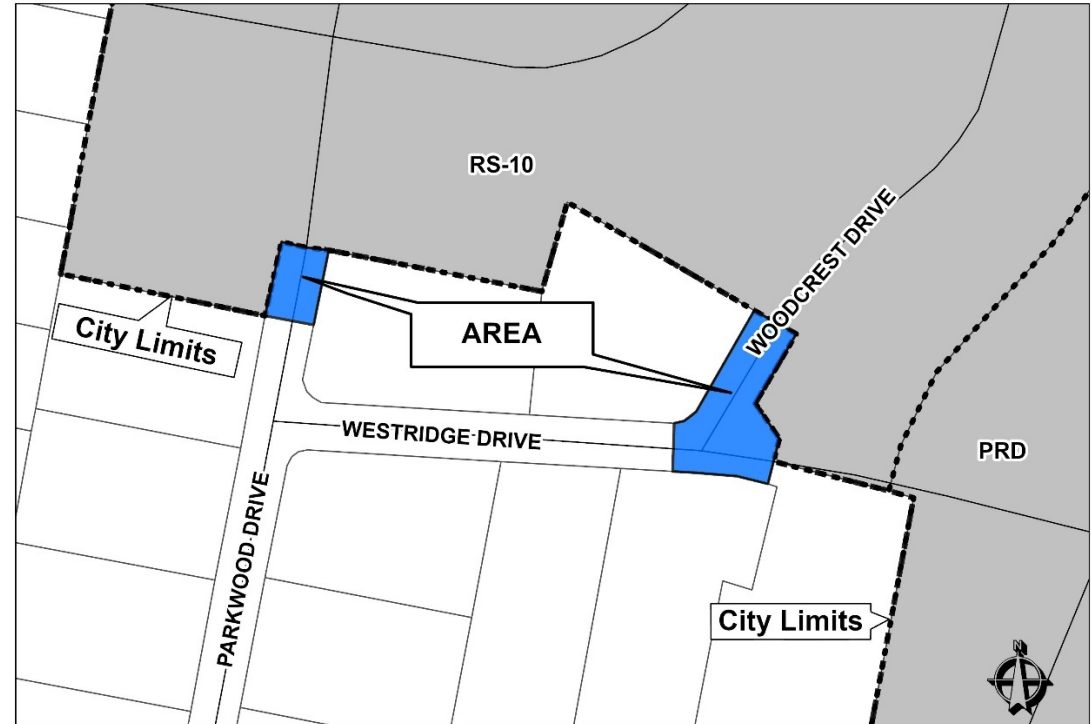
Annexation Request for
Westridge Drive, Woodcrest Drive, and Parkwood Drive ROW

0 55 110 220 330 440 US Feet

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

CITY ZONING

The adjacent zoning on the properties to the north and west are RS-10, and the properties to the east are PRD. The properties to the south and in between the ROWs are zoned RM and are in the unincorporated portion of Rutherford County and are primarily single-family residences and duplexes on large lots. Because the study area is right-of-way, it will receive no zoning classification upon annexation.



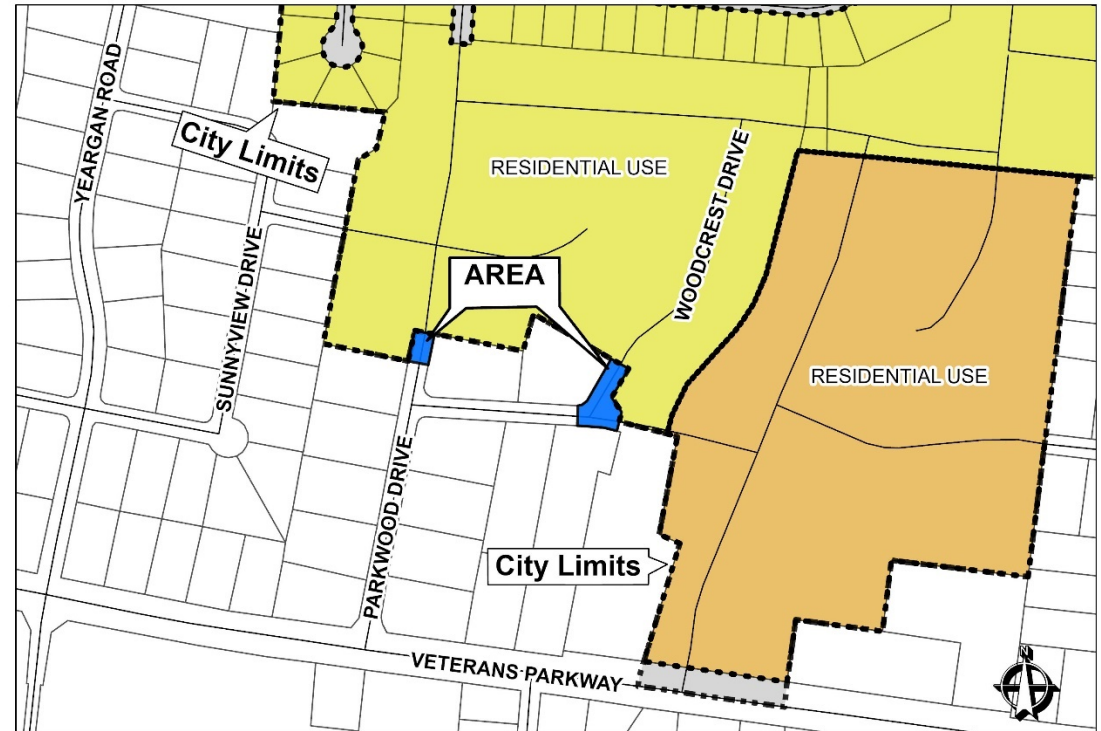
Annexation Request for
Westridge Drive, Woodcrest Drive, and Parkwood Drive ROW

0 55 110 220 330 440 US Feet

Planning Department
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PRESENT AND SURROUNDING LAND USE

The study area is comprised entirely of ROW segments. The surrounding land uses are single family residential to the north, east, and west. The properties to the south and in between the ROWs are located within the unincorporated portion of Rutherford County and developed with single family and two-family residential uses.



Annexation Request for
Westridge Drive, Woodcrest Drive, and Parkwood Drive ROW

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US Feet

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www.murfreesborotn.gov

PLAN OF SERVICES

POLICE PROTECTION

The annexation is for ROW only and will not have an impact on City police protection. The Murfreesboro Police Department will be able to provide services immediately upon the effective date of annexation.

ELECTRIC SERVICE

The study area is served by Middle Tennessee Electric Membership Corporation (MTEMC). MTEMC has existing electrical infrastructure within the subject ROW, the area is served by underground power. There are no streetlights along either location. No new electrical infrastructure is anticipated with this annexation.

STREET LIGHTING

There are no streetlights within the subject rights-of-way. No new street lighting is anticipated with this annexation. However, if the City determines that streetlights are necessary along the subject ROWs, MTEMC has the ability to install streetlights upon request by the City.

SOLID WASTE COLLECTION

The annexation is for ROW segments only and will not have an impact on the City Solid Waste Department.

RECREATION

The annexation is for ROW segments only and will not have an impact on the City Recreation Department.

CITY SCHOOLS

The annexation is for ROW segments only and will not have an impact on Murfreesboro City Schools.

BUILDING AND CODES

The annexation is for ROW segments only and will not have an impact on the City Building and Codes Department.

PLANNING, ENGINEERING, AND ZONING SERVICES

The annexation is for ROW segments only; the impact to the Planning Department will be minimal. However, the City Engineering Department will be responsible for reviewing new connections to the subject ROW.

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.

STREETS AND ACCESS

The annexation study area includes approximately 85 linear feet of Parkwood Drive, 140 linear feet of Woodcrest Drive, and 100 linear feet of Westridge Drive. All three roadway sections are 2-lane ditch sections. Upon annexation, the City will become responsible for the operation and maintenance of these streets. Based on a 15-year repaving cycle, the annualized maintenance cost is \$400 with State Street Aid and General Fund as funding sources. The annexation of the ROW will also result in \$70 of capital cost with State Street Aid and General Fund as funding sources.

Any new connections to the roadway must be approved by the City Engineer. Additionally, developments along this roadway may require participation in improvements to upgrade the roadway and ROW/Easement dedication in accordance with the City's Substandard Street policy requirements.

REGIONAL TRAFFIC & TRANSPORTION

The study area is served by Veterans Parkway as the major roadway facility. The 2014 Level of Service Model in the 2040 Major Transportation Plan shows Veterans Parkway to be operating at a Level of Service C near the study area using average daily traffic (ADT) counts. Without the

recommended improvements in the 2040 Major Transportation Plan, the regional transportation facilities fall to a Level of Service F on Veterans Parkway.

PROPERTY AND DEVELOPMENT

The annexation study area only includes public street ROW. Any new connections to the roadway must be approved by the City Engineer. Additionally, developments along this roadway will require participation in improvements to upgrade the roadway and ROW/easement dedication in accordance with the City's Substandard Street policy requirements.

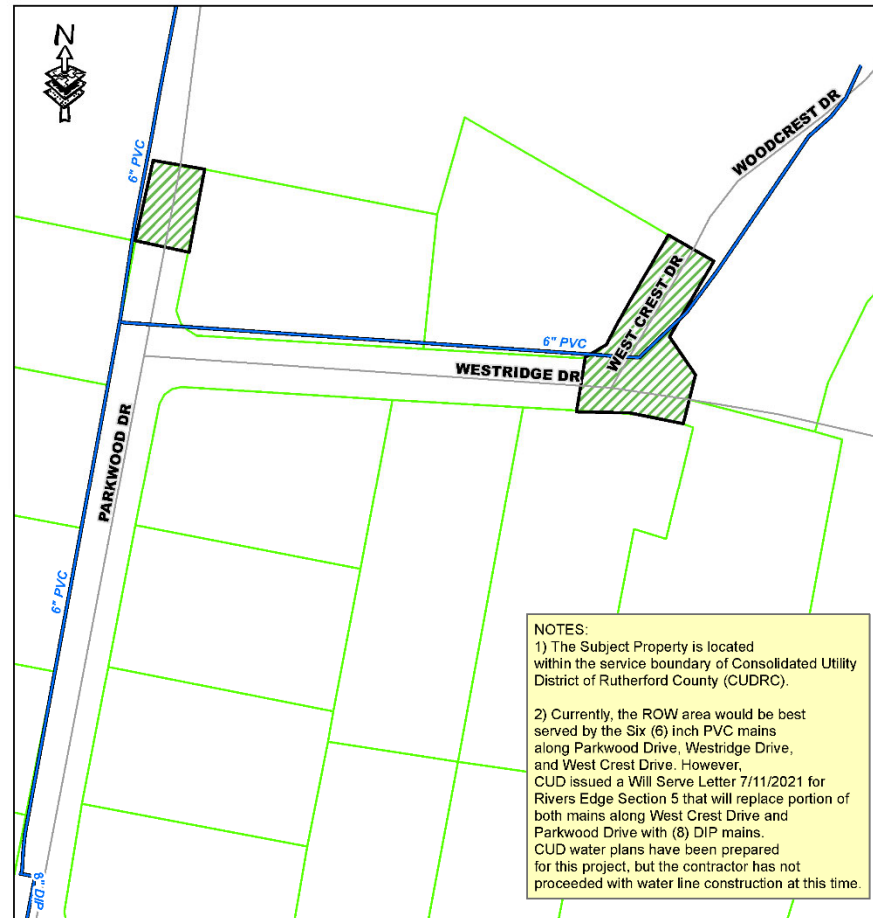
SANITARY SEWER SERVICE

The annexation is for three existing right-of-way (ROW) segments in Rutherford County, Parkwood Drive, Woodcrest Drive and Westridge Drive. The annexation will not have an impact on the City sanitary sewer service.


WATER SERVICE

The study area is located within Consolidated Utility District of Rutherford County's (CUDRC) service area. CUDRC has existing 6" water mains along all three rights-of-way. However, according to CUDRC, the approved plans for the adjacent Rivers Edge, Section 5 include the replacement of portions of those 6" mains in Parkwood and Woodcrest with 8" mains constructed of ductile iron pipe.

Westridge, Parkwood, and West Crest Drive ROW Annexation



SEPTEMBER 3, 2021

— CUD WATER MAIN
 ROW AREA

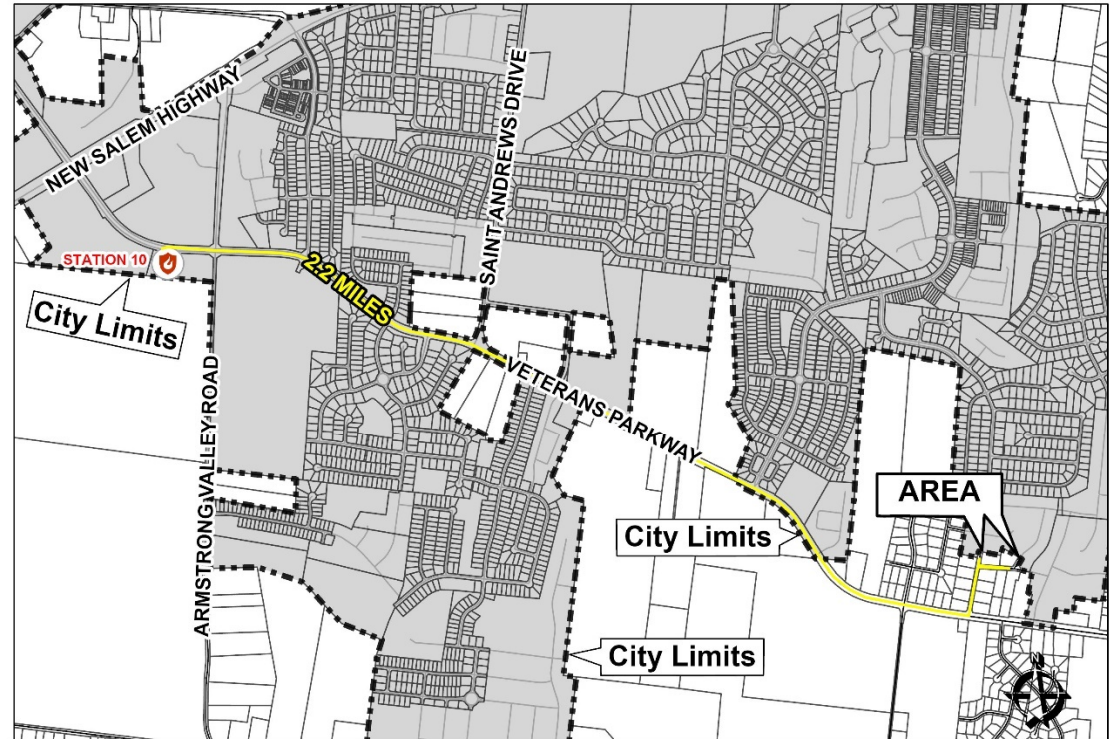
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 Feet


 CONSOLIDATED UTILITY DISTRICT
 Rutherford County, Tennessee

FIRE AND EMERGENCY SERVICE

The annexation is for ROW segments only and will have minimal impact on the Murfreesboro Fire and Rescue Department (MFRD). MFRD will provide emergency first responder services to the subject ROW immediately upon annexation.

The yellow line on the adjacent map represents linear distance ranges from the nearest fire station to the annexation study area. Station 10 is located approximately 2.2 miles from the subject ROW.



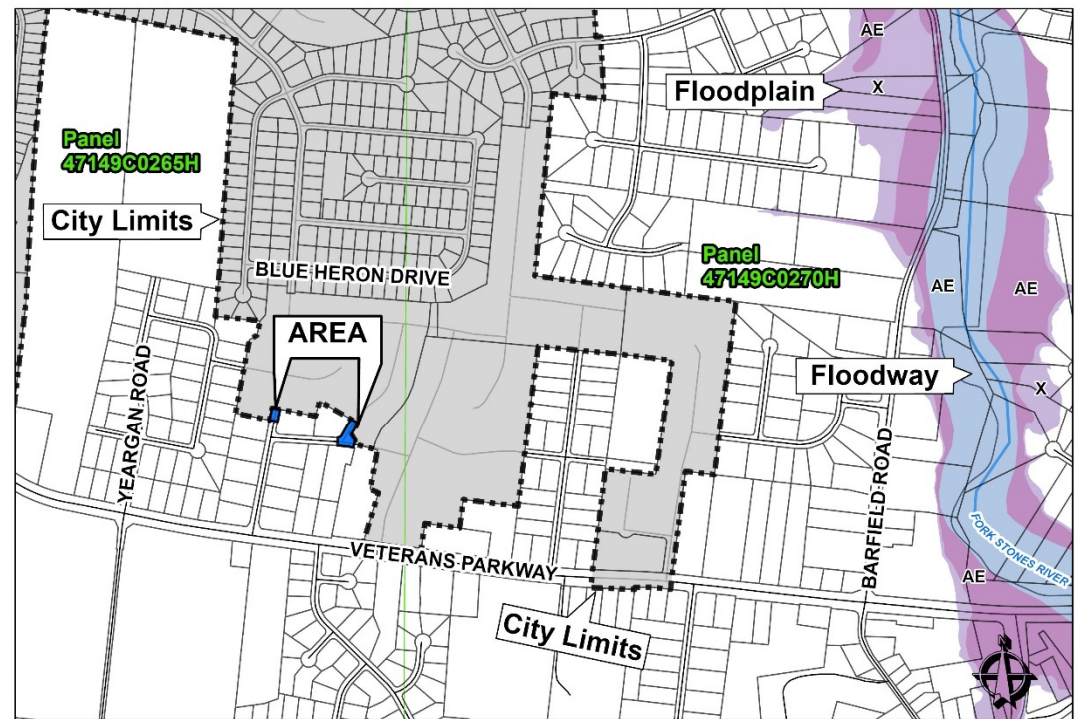
Annexation Request for
Westridge Drive, Woodcrest Drive, and Parkwood Drive ROW

0 1,000 2,000 4,000 6,000
US Feet

Planning Department
City of Murfreesboro
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www.murfreesborotn.gov

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 nearest floodway is the Stones River, located approximately two miles east of the study area and depicted on the adjacent map.



Annexation Request for
Westridge Drive, Woodcrest Drive, and Parkwood Drive ROW

0 500 1,000 2,000 3,000
US Feet

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DRAINAGE

Public Drainage System

The drainage systems along and within the subject ROW are included in the study area and the study Area has access to the roadway drainage systems. Routine operation and maintenance costs for the drainage system integral to the public roadways are included in the public roadway annualized costs. No additional public drainage systems are within the annexation study area. Funding for the public drainage system operation and maintenance is anticipated from the Stormwater Utility Fee. No additional public drainage facilities are included in the study area.

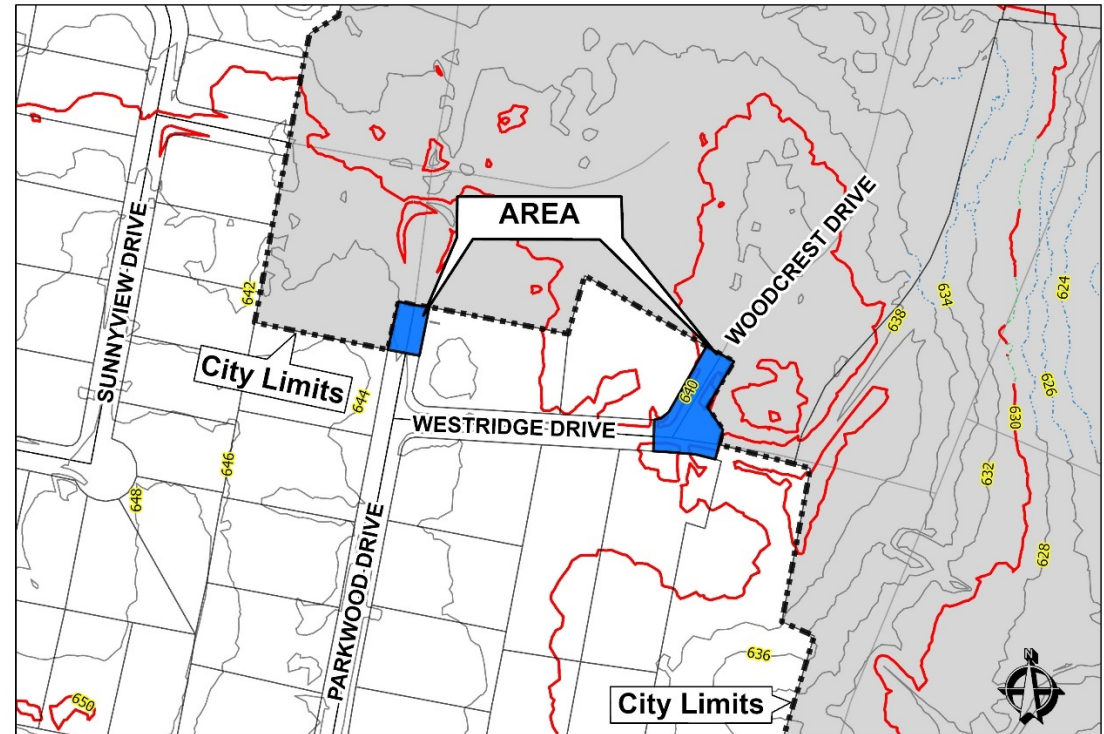
Regional Drainage Conditions

The study area drains to the ROWs and then to the east until it reaches a miscellaneous tributary to the Stones River.

Stormwater Management and Utility Fees

The annexation study area is limited to public ROW and will not generate revenue for the Stormwater Utility Fee.

The red lines on the adjacent map represent ten-foot contours. The grey lines represent two-foot intervals.



Annexation Request for
Westridge Drive, Woodcrest Drive, and Parkwood Drive ROW

0 130 260 520 780 US Feet

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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 21-R-A-37 to annex approximately 85 linear feet located along Parkwood Drive ROW, 140 linear feet located along Woodcrest Drive ROW, and 100 linear feet located along Westridge Drive ROW, and to incorporate the same within the corporate boundaries of the City of Murfreesboro, Tennessee, Rutherford County Engineering Department, applicant(s) [2021-509].

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 21-R-PS-37** on December 2, 2021; and

WHEREAS, the Planning Commission held a public hearing on the proposed annexation of such territory on September 1, 2021 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 its passage, the public welfare and the welfare of the City requiring it.

Passed: _____

Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

Jennifer Brown
City Recorder

DocuSigned by:
Adam F. Tucker

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Adam F. Tucker
City Attorney

SEAL

Resolution 21-R-A-37

SUNNYVIEW COVE

Area
annexed

WOODCREST DRIVE

City Limits

WESTRIDGE DRIVE

City Limits

PARKWOOD DRIVE

VETERANS PARKWAY



COUNCIL COMMUNICATION

Meeting Date: 12/02/2021

Item Title: Amending the Zoning Ordinance regarding the City Core Overlay District (CCO)
[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

Ordinance amending the CCO regulations in the Zoning Ordinance.

Staff Recommendation

Conduct a public hearing and enact the ordinance amendment.

The Planning Commission recommended approval of this ordinance amendment.

Background Information

The Planning Department presented an ordinance amendment [2021-801] to revise the CCO regulations in Section 24 of the Zoning Ordinance. Also included is a revision to Section 13. During its regular meeting on October 13, 2021, the Planning Commission conducted a public hearing on this matter and then voted to recommend its approval.

Council Priorities Served

Improve Economic Development

The proposed revisions to the CCO regulations seek to remove certain regulatory hurdles for the development and redevelopment of the area in and around downtown.

Establish Strong City Brand

Development and redevelopment in the CCO will contribute to the City's vision for having a healthy and vibrant downtown.

Attachments:

1. Ordinance 21-O-38
2. Planning Commission staff comments from 10/13/2021 meeting
3. Planning Commission minutes from 10/13/2021 meeting

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
OCTOBER 13, 2021
PROJECT PLANNER: HOLLY SMYTH**

4.i Proposed amendment to the Zoning Ordinance [2021-801] pertaining to Section 13: Planned Development Regulations and Section 24: Overlay District Regulations, Article VI. CCO, City Core Overlay District, City of Murfreesboro Planning Department applicant.

During the Planning Commission's August 4, 2021 meeting a public hearing was held and then on September 15, 2021 further discussion ensued by Commissioners regarding modifications to the City Core Overlay District standards of the Zoning Ordinance. At that meeting, it was discussed that the list of prohibited uses in the CCO regulations should be consistent with the Historic Bottoms and North Highland studies, and the Commission concurred. Because of the additional revisions, a second public hearing was advertised.

In January 2020, the City Council approved an expansion of the City Core Overlay (CCO) district. In addition, at the same time Council approved a rewrite of Section 24 Overlay District Regulations, Article VI: CCO. The current boundary of the district includes the North Highlands and Historic Bottoms Study Areas, the East Main Street Historic Zoning District, and two adjacent areas. The entire CCO is generally bounded by East Clark Boulevard or Ewing Boulevard to the north, one block in from Memorial Boulevard to the west, CSX Railroad to the southwest, Doctor Martin Luther King Jr Boulevard to the south, and Middle Tennessee Boulevard or North Highland Avenue to the east (as shown on the attached map).

Staff has had the opportunity to utilize the new CCO regulations for more than a year and believes it is now appropriate to make some revisions to clarify ambiguities and inconsistencies in the text and modify some of the development criteria based on the unique development characteristics within the CCO. Multiple planners within the department collaborated on these text revisions. In addition, staff reached out to some stakeholders as well to help provide input into the process.

The CCO section is not a stand alone policy section that encompasses all zoning regulations for properties within the overlay district boundary. It is meant to be used in conjunction with the entire Zoning Ordinance (including General Applicability, Off-Street Parking, Landcaping, as well as Charts 1, 2, and 3) as well as the Design Guidelines and Standards. The CCO policy section focuses on special exceptions or use limitations to the regular policy sections to better account for the unique scale and character of the district while attempting to honor the framework of the Historic Bottoms and North Highland Avenue sub-area Planning Studies.

A proposed amendment to one paragraph in Section 13 Planned Development

Regulations (B)(8) and a full removal and replacement of Section 24, Article VI is attached to this report in a redlined “tracked changes” version so that the Commission can see the proposed additions via underlined text, deletions via strike-through text, and existing text to remain as regular black colored text. The following is a brief synopsis of proposed changes.

Planned Development Regulations (Section 13)

This section of the code currently states that many exceptions to existing City regulations can be made with an approved Planned Development. However, the current code only allows exceptions to overlay district rules of the Battlefield Protection and Gateway Design overlay districts. This means that currently no exceptions to the overlay district regulations for any other overlay district may be considered as a part of a Planned Development application. The proposed amendment would allow exceptions to be requested for any of the City’s Overlay District standards as a part of a Planned Development rezone request.

City Core Overlay District Regulations (Section 24, Article VI.)

Baseline text of the ordinance clarifies that other City policies and documents apply within the CCO. Land in the CCO is still subject to Design Guidelines. Verbiage is proposed stating that the recommendations of the Historic Bottoms and North Highland Avenue sub-area Planning Studies should be incorporated into proposed developments. Furthermore, the text clarifies that should any exceptions to City standards be requested they need to be explicitly stated in a Planned Development application. Lastly, the text clarifies that any proposed planned development in the CCO should adhere to the most similar base zoning district and that exceptions be based on a comparison with that base zoning district.

Accessory apartment provisions within the CCO are less stringent than outside the CCO as it currently does not require BZA approval, does not need to be occupied by a family member, and does not require owner occupation of one of the two units onsite. The draft language would become more stringent by requiring the owner to live in either the main dwelling or the accessory apartment onsite, so that the accessory apartment will truly be accessory to the other dwelling unit.

Parking provisions for all types of residential were identified to be consistent with the recent proposed updates regarding the new definition of “Dwelling, Townhomes”. Parking provisions for commercial uses are proposed to allow a 50% on-site parking reduction if on-street parking is available and a 75% on-site parking reduction if publicly owned parking (e.g., a public parking structure or lot) is freely available within 750’ of the project site. These modifications allow for more sharing of parking, especially when in close proximity to the Central Business District. A new paragraph was added to allow the Planning Director to consider other flexible parking options using common sense to

cover those instances where traditional development patterns do not apply.

The Planning Commission discussed this item further, and it was clarified that this change would not affect parking outside the CCO and would not apply to any further reductions to residential parking requirements within the CCO. The text was further modified to include any publicly available parking not just publicly owned parking. The Commission consensus at the September 15th meeting was the draft language was appropriate as written.

Open space requirements are currently 20% on all properties City-wide through the Design Guidelines with various formal open space provisions by zone. The new language would exempt industrial uses and single-family detached residential uses in the CCO and all property in the CBD from open space requirements and reduce all others to 15%, excluding any potential formal open space requirements. Formal open space would only be required for residential developments containing 8 or more residential units or commercial or mixed-use developments containing more than 1.5 acres. After the Commission's initial discussion, staff updated text to define what formal open space is and that it only include areas that are commonly accessible to all. For developments with fewer than 8 units, private patios, balconies, or open space of at least 50 square feet per dwelling unit would be required, so that outside space is provided for residents in even the smallest townhome developments.

Other proposed modifications include a) having more flexible setback provisions should a business want to have a front patio; b) changing height allowances from two-story to 35' by right; c) reduce maximum lot coverage to 75% for non-residential uses outside the Central Business District (CBD) to allow for landscape and parking; d) limiting the prominence of garages on the fronts of buildings; e) limiting patio spaces from housing utilities; f) solid waste enclosures and /or carts being shown on plans; g) location of HVAC, meters, & trash to not impact private patios h) clarifying landscape requirements and allowing alternative landscape arrangements; and g) remove floor area ratio (F.A.R.), open space ratio (O.S.R.), and livability space ratio (L.S.R.) requirements.

As staff was further reviewing the CCO ordinance, it was noticed that some additional modifications should be considered in light of reviewing the Historic Bottoms and the North Highland Avenue Studies. First, when it comes to building heights for non-residential and mixed-use principal buildings, the height in the CCO should follow that of the underlying zone district instead of following the CCO "adjacent buildings requirement." Therefore, staff has added additional language to the text to reflect this. The "adjacent buildings requirement" would still apply to residential structures; however, staff proposes permitting a 35' maximum building height instead of "two (2) stories" by right for residential structures regardless of the height of adjacent structures.

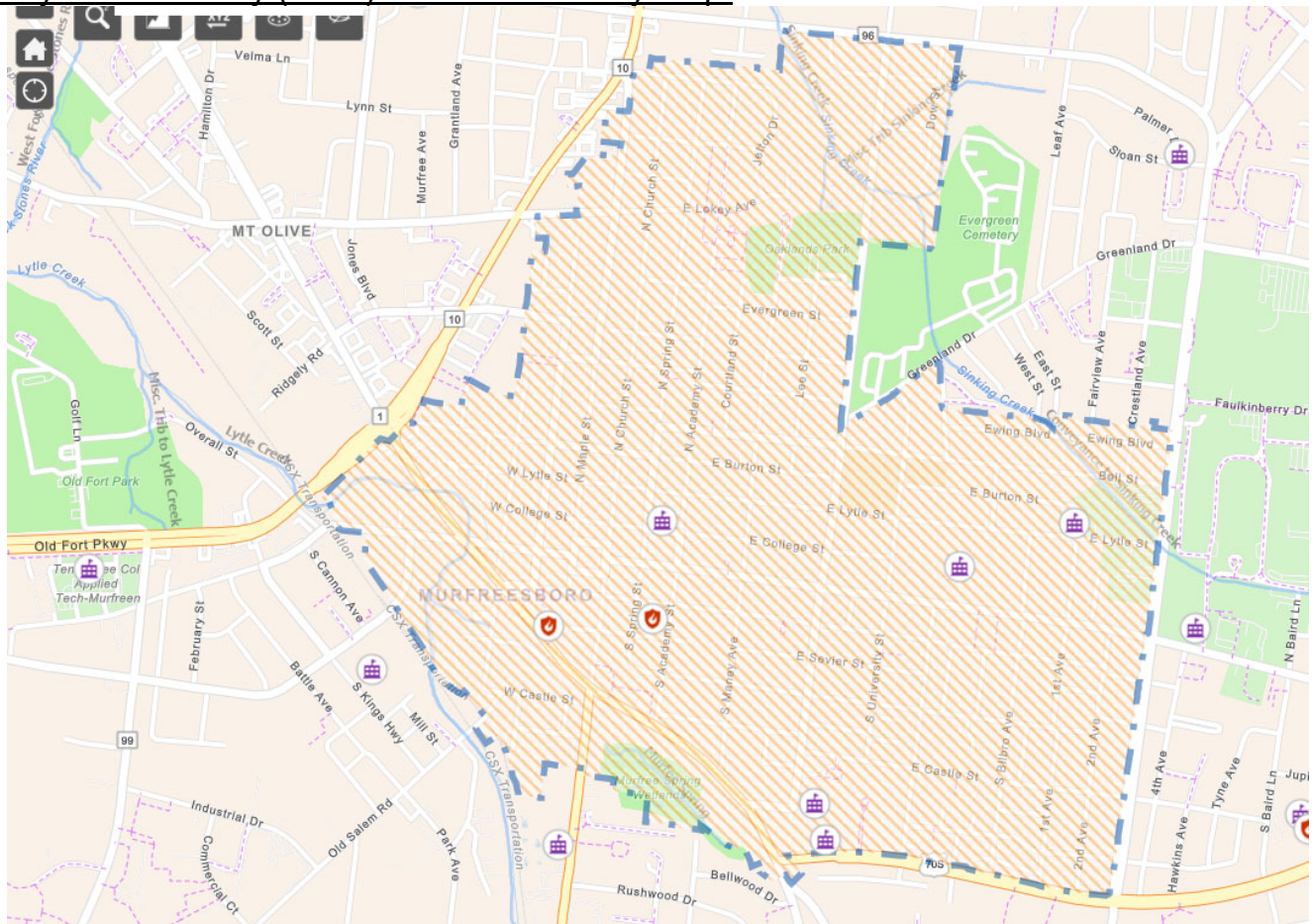
Second and last, staff noticed after the initial discussion on the CCO amendment that some of the existing allowed uses in Chart 1 do not reflect the two Planning Studies.

As agreed by the Planning Commission at its last meeting, staff has added uses to the list of prohibited uses in the draft re-write of the CCO section of the Zoning Ordinance. Since the September 15th meeting, Staff has increased the number of proposed prohibited uses. The uses added are primarily industrial uses. However, there are provisions in the list for small “artisan” manufacturing uses to remain permitted uses (if the underlying base zoning permits them), provided they are less than 3,000 square-feet of gross floor area.

Action Needed:

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

City Core Overlay (CCO) District Boundary Map



MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 13, 2021

6:00 P.M.

CITY HALL

MEMBERS PRESENT

Kathy Jones, Chair
Ken Halliburton, Vice-Chair
Jami Averwater
Rick LaLance
Warren Russell
Chase Salas
Shawn Wright

STAFF PRESENT

Greg McKnight, Planning Director
Matthew Blomeley, Assistant Planning Director
Marina Rush, Principal Planner
Holly Rush, Principal Planner
Joel Aguilera, Planner
Carolyn Jaco, Recording Assistant
Roman Hankins, Assistant City Attorney
David Ives, Deputy City Attorney
Sam Huddleston, Executive Dir. Dev. Services

1. Call to order

Chair Kathy Jones called the meeting to order at 6:00 p.m.

2. Determination of a quorum

Chair Jones determined that a quorum was present.

3. Approve minutes of the September 15, 2021, Planning Commission meeting.

Mr. Warren Russell moved to approve the Minutes of the September 15, 2021 meeting; the motion was seconded by Mr. Chase Salas and carried by the following vote:

Aye: Kathy Jones
Ken Halliburton
Jami Averwater
Rick LaLance
Warren Russell
Chase Salas
Shawn Wright

Nay: None

4. Public Hearings and Recommendations to City Council:

Zoning application [2021-418] for approximately 8.4 acres located along Bridge Avenue to be rezoned from RS-10 to CF and approximately 1 acre to be rezoned from H-I to CF, City

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 13, 2021

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

Mr. Matt Taylor (design engineer) was in attendance to represent the application.

There being no further discussion, Vice-Chairman Ken Halliburton moved to approve the annexation petition and plan of services subject to all staff comments; the motion was seconded by Mr. Rick LaLance and carried by the following vote:

Aye: Kathy Jones

Ken Halliburton

Jami Averwater

Rick LaLance

Warren Russell

Chase Salas

Shawn Wright

Nay: None

Proposed amendment to the Zoning Ordinance [2021-801] pertaining to Section 13: Planned Development Regulations and Section 24: Overlay District Regulations, Article VI. CCO, City Core Overlay District, City of Murfreesboro Planning Department applicant. Ms.

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

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

Mr. Rick LaLance announced he would abstain from the vote at this time. He has not been able to review all the details of the amendment. He would be better prepared at the City Council level to support the amendment.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION OCTOBER 13, 2021

There being no further discussion, Mr. Warren Russell moved to approve the proposed amendment to the Zoning Ordinance subject to all staff comments; the motion was seconded by Vice-Chairman Ken Halliburton and carried by the following vote:

Aye: Kathy Jones

Ken Halliburton

Jami Averwater

Warren Russell

Chase Salas

Shawn Wright

Nay: None

Abstain: Rick LaLance

5. Staff Reports and Other Business

Mandatory Referral [2021-721] for installation of irrigation lines in the public right-of-way of Plum Leaf Place in the Mankin Pointe development, Mankin Pointe, LLC applicant. Mr. Matthew Blomeley presented the Staff Comments regarding this item, a copy which is maintained in the permanent files of the Planning Department and incorporated into these Minutes by reference.

There being no further discussion, Mr. Chase Salas moved to approve the mandatory referral subject to all staff comments; the motion was seconded by Vice-Chairman Ken Halliburton and carried by the following vote:

Aye: Kathy Jones

Ken Halliburton

Jami Averwater

Rick LaLance

Warren Russell

ORDINANCE 21-O-38 amending Murfreesboro City Code Appendix A—Zoning, Sections 13 and 24, dealing with Planned Development Regulations and City Core Overlay District Regulations, City of Murfreesboro Planning Department, applicant [2021-801].

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

SECTION 1. Appendix A, Section 13, Planned Development Regulations, of the Murfreesboro City Code is hereby amended at subsection (B)(8), by deleting subsection (B)(8) in its entirety and substituting in lieu thereof the following:

(B)(8) *Relationship to the Subdivision Regulations, Design Guidelines and the other zoning regulations.* The planned development approval may provide for such exceptions from the Subdivision Regulations, Design Guidelines, and from district and overlay district zoning regulations governing use, density area, bulk, parking, architecture, landscaping, and open space as may be necessary or desirable to achieve the objectives of the proposed planned development, provided such exceptions are consistent with the standards and criteria contained in this section and have been specifically identified and requested in the application for a planned development. Unless the application for a planned development contains a clear statement of exceptions to them, the standards and criteria of the Subdivision Regulations, Design Guidelines, and district and overlay district zoning regulations will apply to all planned developments. The specific zone district used as a comparison for the planned development shall be the most like zone district to the planned development, as determined by the Planning Director.

SECTION 2. Appendix A, Section 24, Overlay District Regulations, of the Murfreesboro City Code is hereby amended at Article VI, CCO, City Core Overlay District, by deleting subsection the article in its entirety and substituting in lieu thereof the following:

ARTICLE VI. CCO, CITY CORE OVERLAY DISTRICT

- (A) *District description.*
 - (1) *Purposes of the overlay district.* The purposes of the City Core Overlay (CCO) district are: to promote infill development that is compatible with existing development patterns; to encourage new development patterns in areas where existing patterns are inconsistent or unestablished; and to promote reinvestment in Downtown Murfreesboro and surrounding neighborhoods.
 - (2) *District delineation.* The CCO district includes areas in and around Downtown Murfreesboro as shown on the official Zoning Map of the City of Murfreesboro.
 - (3) *Subarea Plans within the CCO:* The CCO includes the study areas of the North Highland Avenue and Historic Bottoms planning studies. These planning studies informed the writing of the CCO regulations and are of significant value. To the extent possible, developments within the CCO also located within the study areas of the North Highland and Historic Bottoms planning studies shall attempt to honor the recommendations of those plans.

(B) *Application of regulations.*

- (1) *Official zoning map.* The CCO district shall overlay land located as shown on the official zoning map of the City.
- (2) *Conflicts with other regulations.* Where there is a conflict between the provisions of this subsection and those of the underlying zoning district, the provisions of this subsection shall apply. Where there is a conflict between the provisions of this subsection and those of the Historic (H-1) District, the H-1 regulations shall apply. Where there is a conflict between the provisions of this subsection and those of any overlay district other than the H-1 District, the more restrictive regulations shall apply.
- (3) *Extension and reconstruction of lawfully established non-conforming structures.* The requirements set forth in this subsection shall apply to all new development in the CCO district from the effective date of this subsection. Notwithstanding the requirements of Section 28 – Nonconformities of the Zoning Ordinance, a lawfully-established pre-existing structure that does not comply with the regulations set forth in this Section may be extended or reconstructed one (1) time in accordance with the zoning standards in effect on September 30, 2019. All additional extensions and reconstructions shall comply with the terms of this subsection and Section 28 – Nonconformities of the Zoning Ordinance.
- (4) *Planned developments.* The regulations set forth in this subsection shall not prevent a property owner from seeking planned development zoning when such zoning is necessary or desirable to promote the purposes of the CCO district. However, to the extent possible, they should adhere to the regulations of the CCO, Design Guidelines, and other base zoning districts that best approximate the proposed development type. Exceptions to any of the above applicable regulations, including the CCO regulations, shall be explicitly noted in the planned development application.
- (5) *Use regulations.* Land uses in the CCO district shall be as permitted by the underlying zoning district, with the following exceptions:
 - (a) For properties having underlying zoning that permits two-family dwellings, duplex residential units shall not be required to have a shared wall.
 - (b) For properties having underlying zoning that permits accessory apartments, a Special Use Permit shall not be required, provided that the following standards are satisfied:
 - [1] only one accessory apartment shall be allowed upon a lot zoned for single-family purposes;
 - [2] the accessory apartment shall be designed so that to the degree reasonably feasible, the appearance of the building remains that of a one-family residence. In general, any new entrances in an existing structure shall be located on the side or in the rear of the building;
 - [3] if attached to or located within the principal structure, the accessory apartment shall be designed and constructed to allow it to be part of the principal structure at such time as the use of the accessory apartment discontinues;
 - [4] the design and size of the accessory apartment shall

- conform to all applicable standards in the health, building, and other codes; and
- [5] the accessory apartment shall not exceed seven hundred (700) square feet of floor area.
- [6] except for bona fide temporary absences, the owner(s) of the lot upon which the accessory apartment is created shall occupy at least one of the dwelling units on the premises.
- (c) The following uses listed on Chart 1 USES PERMITTED of the Zoning Ordinance and which may be otherwise permitted by right or by special use permit in the underlying zones shall not be permitted uses in the CCO district:

OTHER HOUSING

Fraternity/Sorority
Mobile Homes
Motel

INSTITUTIONS

Airport/Heliport
Morgue
Pet Cemetery

COMMERCIAL

Amusements, Commercial Outdoor excluding Motorized
Amusements, Commercial Outdoor Motorized
Boat Rental, Sales, or Repair
Campground, Travel-Trailer Park
Carnivals
Crematory
Drive-in Theater
Fireworks Retailer
Fireworks Seasonal Retailer
Greenhouse or Nursery
Ice Retail
Iron Work > 3,000 square feet of floor area
Kennels
Liquor Store
Livestock, Auction
Lumber, Building Material
Manufactured Home Sales
Motor Vehicle Sales (Automobiles)
Motor Vehicle Sales (Other than Automobiles)
Pawn Shop
Pet Crematory
Pet Funeral Home
Radio and Television Transmission Towers
Restaurant, Drive-in
Sheet Metal Shop
Shopping Center, Community
Shopping Center, Regional
Salvage and Surplus Merchandise
Taxidermy Studio
Towing
Vehicle Sales (Non-Motorized)
Vehicle Wash
Veterinary Hospital
Wholesaling

Wireless Telecommunications Tower
Wrecker Service
Wrecker Storage Yard

INDUSTRIAL (Manufacture, Storage, Distribution of:)
Abrasive Products
Asbestos Products
Animal or Poultry Slaughter, Stockyards, Rendering
Automobile Dismantlers and Recyclers
Automobile Manufacture
Automobile Parts and Components Manufacture
Automobile Seats Manufacture
Bakery Goods, Candy > 3,000 square feet of gross floor area
Boat Manufacture
Bottling Works
Canned Goods
Chemicals
Composting Facility
Contractor’s Storage, Indoor
Contractor’s Yard or Storage, Outdoor
Cosmetics
Custom Wood Products > 3,000 square feet of gross floor area
Electrical or Electronic Equipment, Appliances, and Instruments
Fabricated Metal Products and Machinery > 3,000 square feet of gross floor area
Fertilizer
Food and Beverage Products, including animal slaughter, stockyards, rendering, but not including brewery
Furniture and Fixtures > 3,000 square feet of gross floor area
Jewelry > 3,000 square feet of gross floor area
Leather and Leather Products > 3,000 square feet of gross floor area
Leather and Leather Products, Tanning and Finishing
Lumber and Wood Products
Mobile Home Construction
Musical Instruments > 3,000 square feet of gross floor area
Office/Art Supplies > 3,000 square feet of gross floor area
Paints
Paper Mills
Paper Products
Petroleum, Liquified Petroleum Gas, and Coal Products
Petroleum and Coal Products
Refining
Pharmaceuticals
Photographic Film Manufacture
Pottery, Figurines, and Ceramic Products > 3,000 square feet of gross floor area
Primary Metal Distribution and Storage
Primary Metal Manufacturing
Rubber and Plastic Products
Rubber and Plastic Manufacture
Saw Mills
Scrap Processing Yard
Scrap Metal Processors
Scrap Metal Distribution and Storage
Secondary Material Dealers
Silverware and Cutlery > 3,000 square feet of gross floor area

Small Moulded Metal Products
Sporting Goods
Stone, Clay, Glass, and Concrete Products > 3,000 square feet of gross floor area
Textile, Apparel Products, Cotton–Factoring, Grading > 3,000 square feet of gross floor area
Textile, Apparel Products, Cotton Gin
Tire Manufacture
Tobacco Products
Toiletries > 3,000 square feet of gross floor area
Transportation Equipment
Warehousing,
Transporting/Distributing

TRANSPORTATION AND PUBLIC UTILITIES
Garbage or Refuse Collection Service
Freight Terminal, Service Facility
Refuse Processing, Treatment, and Storage
Landfill
Railroad Switching Yard, Terminal, Piggyback Yard
Taxicab Dispatch Station

OTHER
Junkyard
Recycling Center
Self-Service Storage Facility
Temporary Mobile Recycling Center

- (d) *Lawfully-established non-conforming uses.*
Notwithstanding the requirements of Section 28 of the Zoning Ordinance, a structure devoted to a lawfully-established pre-existing use that is not permitted in the CCO or in the base zoning district may be extended or reconstructed one (1) time and the use allowed to resume upon extension or reconstruction, provided that such extension or reconstruction is only within the boundaries of the existing tract or lot of record. All other terms of Section 28 of the Zoning Ordinance regarding non- conforming uses will apply to the CCO District.

- (C) *Off-street parking.* Off-street, on-site parking requirements shall not apply to properties with underlying CBD (Central Business District) zoning. In all other areas in the CCO district, parking shall be provided in accordance with the requirements of Section 26 of the Zoning Ordinance, provided that the following standards for the number of required parking spaces shall apply:
 - (1) *Parking for single-family residential structures (detached and zero-lot line maximum two units attached).* Within the CCO district, one (1) off-street on-site parking space shall be required for each single- family detached or attached dwelling unit with one bedroom, and two (2) off-street on-site parking spaces shall be required for each single-family detached or attached dwelling unit with two or more bedrooms.
 - (2) *Parking for single-family residential attached townhouse structures.* Within the CCO district, where striped on-street parking is located directly in front of the property, one (1) off-street on-site parking space shall be required for each single-family attached townhouse dwelling unit with one bedroom, and two (2) off-street on-site parking spaces shall be required for each single-family residential

attached townhouse dwelling unit with two or more bedrooms. Where there is no striped on-street parking located directly in front of the property, one (1) off-street on-site parking space shall be required for each bedroom provided in each single-family residential attached townhouse.

- (3) *Parking for two-family, three-family, four-family, and multi-family residential structures.* Within the CCO district, one (1) off-street on-site parking space shall be required for each bedroom provided in each two-family, three-family, four-family, and multi-family dwelling unit.
 - (4) *Parking for commercial uses and mixed-uses.* Within the CCO district, parking for commercial uses shall be provided in accordance with the requirements of Section 26 and Chart 4 of the Zoning Ordinance with the following exceptions:
 - (a) The number of required on-site off-street parking spaces may be reduced by fifty (50) percent if striped on-street parking is available along the street fronting the property.
 - (b) The number of required on-site off-street parking spaces may be reduced by up to seventy-five (75) percent if the property is located within seven hundred fifty (750) feet of a parking lot where parking is freely and publicly available to the users as determined by the Planning Director.
 - (c) The Planning Director has the authority to consider and approve further parking exceptions in the CCO in cases where there is a change of use at an existing building where the new use requires more parking than the previous use and where a property's pre-existing physical conditions severely limit most permitted uses. The applicant must demonstrate that adequate off-site or on-street parking is available for the proposed use. The Planning Director shall determine what information (e.g., parking counts, business hours of operation, etc.) must be provided by the applicant in order to make such a determination. If an off-site parking agreement with a private property owner is proposed, then all requirements for off-site parking arrangements noted in Section 26 must be met.
 - (5) *Bicycle parking.* Designated bicycle parking shall be provided at a ratio of one (1) space for every fifteen hundred (1500) square feet of floor area for non-residential developments. Bicycle parking structures and facilities shall be readily accessible and well-maintained. Bicycle parking structures may be located on the public sidewalk, provided that the sidewalk can still comply with minimum accessibility requirements.
- (D) *Design standards.* Development in the CCO district shall be subject to the standards set forth in this Article and the Murfreesboro Design Guidelines, with the following exceptions:
- (1) *Setbacks for principal buildings.* Minimum side and rear setbacks shall be consistent with those of the underlying zoning district. Front setbacks shall be determined as follows:
 - (a) For non-residential developments where public sidewalks exist, structures shall be built no greater than 10' from the rear edge of the public sidewalk or the front property line. If no sidewalk exists, the structure shall be built to the average front setback of all structures on the same block face, provided that no structure shall be built more than twenty (20) feet behind the front property line. For the purposes of this section, 'block face' shall mean within the same block on the same street side as the subject property and shall exclude vacant lots. No structure shall be built in the public right-of-

- way.
- (b) For residential developments, the structure shall be built to the average front setback of all structures on the same block face, provided that no structure shall be built more than twenty-five (25) feet behind the front property line. For the purposes of this section, “block face” shall mean within the same block on the same street side as the subject property and shall exclude vacant lots. No structure shall be built in the public right-of-way.
- (2) *Building height for principal residential buildings.* A residential principal building in the CCO district shall have a height no greater than fifty (50) percent over that of the highest contiguous building. However, a principal building shall be permitted to have a height of 35’, regardless of the heights of contiguous buildings. Within the CCO, however, projections for rooftop patios, such as stairwells and the like, as well as other common rooftop projections such as chimneys, may be allowed up to an additional 10’ higher than the maximum building heights listed above. For the purposes of this section, the term “contiguous buildings” shall refer to any buildings on parcels that share a common property line with the subject property excluding parcels to the rear of the subject property and vacant lots without a principal structure. Building height shall be measured as described as the definition of “Building Height” in Section 2 of the Zoning Ordinance.
 - (3) *Building height for non-residential and mixed-use principal buildings.* A building height in the CCO district shall have a maximum height of the underlying zone district.
 - (4) *Lot coverage.* Maximum lot coverage shall be based on land use as follows:
 - (a) For non-residential developments, multi-family residential, and mixed-use developments maximum lot coverage shall be one hundred (100) percent within the CBD and seventy-five (75) percent in all other areas of the CCO.
 - (b) For all other types of residential developments, maximum lot coverage shall be fifty (50) percent.
 - (5) *Parking.* For all uses other than single-family detached residential, on-site parking shall not be located at the front of any building and shall be located at the rear or side of a building, in an underground garage, or within a parking garage.
 - (a) *Parking garages.* A parking garage with frontage on any public right-of-way shall include ground-level commercial or office uses accessible from the public sidewalk. Parking garages shall follow the design standards set forth in the Murfreesboro Design Guidelines.
 - (b) *Access to private parking lots.* A private parking lot located to the rear of a building shall be accessed via an alley or rear driveway where practical.
 - (6) *Building architecture and design.*
 - (a) Single-family detached residential structures and single-family residential attached zero-lot line structures (maximum of two units attached) shall be constructed of exterior materials that are consistent with a traditional urban residential area. Such materials may include brick, stone, or cementitious siding. Other traditional, authentic materials and construction types such as stucco and board-and-batten may be approved by the Planning Commission (or by the Planning Director for plans that do not require Planning Commission approval). To reduce the prominence and visibility of front facing garages, a front facing garage

even with the front wall of the balance of the structure shall not exceed more than 50% of the width of the front building façade. A front-facing garage recessed behind the front wall of the balance of the structure shall not exceed more than 60% of the width of the front building façade.

- (b) Non-residential buildings, mixed use buildings, and all other types of residential buildings consisting of three or more dwelling units, including but not limited to multi-family residential and single-family residential attached townhouse buildings, shall be subject to the architectural standards set forth in the Murfreesboro Design Guidelines.
- (7) *Building entrances.* Building entrances shall be oriented to the primary street frontage. For corner lots, entrances shall be either oriented to the street with the higher functional classification or angled and oriented to the street intersection.
- (8) *Service areas.* Service areas, solid waste enclosures and/or carts, and utility boxes shall be clearly identified on the development plans and shall be located at the rear of the principal structure and shall not be visible from the public right-of-way. Provisions for solid waste management shall comply with the minimum requirements set forth in Section 18 of the Zoning Ordinance. To the extent possible, all mechanical equipment shall be roof mounted and screened; when not possible such equipment shall be located to the rear of the structure and shall not be visible from the public right-of-way. Use of private residential patio space for these various service areas is discouraged.
- (9) *Accessory structures.* Accessory structures shall be designed as follows:
 - (a) *Location.* Accessory structures shall be located to the rear or side of the principal structure in accordance with Section 25 of the Zoning Ordinance.
 - (b) *Height.* In no case shall an accessory structure have a height greater than that of the principal structure.
 - (c) *Building architecture and design.* An accessory structure shall be constructed in a style and of material(s) consistent with that (those) of the principal structure.
- (10) *Open space.*
 - (a) The following shall be exempt from this subsection: Industrial uses (as listed in Chart 1); single-family detached structures, and zero-lot line (maximum two units attached) and two-family residential uses; and all property in the CBD zone.
 - (b) A minimum of fifteen (15%) open space shall be required for all other uses and properties in the CCO not listed in (a) above. For the purposes of this section open space is defined as all landscape areas or natural areas greater than two-hundred square-feet.
- (11) *Formal Open Space.*

For the purposes of this section, formal open space is defined as planned and structured areas, including but not limited to formally designed landscape areas, streetscape furnishings, plaza areas, rooftop patios, and recreational improvements available for common use. Formal open space of 5% of the lot area shall be required for the following uses:

 - (a) Single-family attached residential developments of 8 dwelling units or more; Developments containing fewer than 8 units shall provide private patios, balconies, or open space of at least 50 square feet with a minimum 5' of depth for each unit.

- (b) Multi-family residential developments of 8 dwelling units or more;
 - (c) Commercial developments on parcels 1.5 acres or greater;
 - (d) Mixed-Use developments containing 8 or more dwelling units or on parcels 1.5 acres or greater.
- (12) *F.A.R., O.S.R., and L.S.R.* The open space and formal open space requirements above notwithstanding, there shall be no F.A.R., O.S.R., and L.S.R. requirements for properties and developments located within the CCO.
- (E) *Streetscape Standards.* To promote harmonious development and walkability throughout the CCO district, the following streetscape standards shall apply:
 - (1) *Sidewalks and other improvements in the public ROW..* The developer shall be responsible for installing sidewalks and other improvements in the public ROW in accordance with all adopted City standards and plans, including but not limited to the Subdivision Regulations, Street Design Specifications, Design Guidelines, the Expanded Main Street District Revitalization Master Plan, and the Tree Management Ordinance. The Development Services Division in consultation with the Public Works Division shall have the authority to collect a payment in lieu of installation or construction in cases where the City deems immediate installation or construction impractical or undesirable.
 - (2) *Sidewalk location.* In cases where a public sidewalk or any portion thereof is located on private property, a sidewalk easement permanently dedicated to the City of Murfreesboro shall be recorded.
 - (3) *Public utility easements.* If a public utility easement along the front property line prevents the planting of trees due to conflicts with utility lines, drainage ways, or other necessary infrastructure components, the applicant shall provide an alternative planting arrangement that satisfies the minimum planting requirements set forth in this section.
- (F) *Landscaping, screening, and buffering requirements.* Properties with underlying CBD (Central Business District) zoning or single-family detached, single-family zero-lot line (maximum 2 units attached), or two-family dwellings shall be exempt from the landscaping, screening, and buffering requirements set forth in this subsection. For all other properties in the CCO district, landscaping shall be required as provided in Section 27 of the Zoning Ordinance; provided, however, within the CCO district subsections Section 27 (C)(3), (J), (K), and (L) shall not apply and instead the following subsection shall apply:
 - (1) *Changes to existing buildings, structures and developments.* The requirements of this section shall be applicable to existing buildings, structures, and developments under the following circumstances:
 - (a) if an existing building, structure or development is expanded by seventy-five (75) percent or more, then the entire building, structure or development shall comply with the requirements of this subsection; if expanded by less than 75 percent, only the expansion area shall comply.
 - (b) if the estimated cost of a renovation of an existing building, structure, or development equals seventy-five (75) percent or more of the total appraised value of the existing building, structure, or development (including land), then the entire building, structure or development including parking area shall comply with the requirements of this subsection;
 - (c) if there is a change in use of an existing building,

- structure, or development, that requires a special use permit or the rezoning of the property, then the entire building, structure, or development including parking area shall be required to comply with the requirements of this subsection;
- (d) if there is an increase in density of a residential development or a change in use of an existing building, structure or development from a residential use to a nonresidential use then the entire building, structure, or development including parking area shall be required to comply with the requirements of this subsection; or,
 - (e) if the number of parking spaces for an existing building, structure or development is expanded by fifty percent (50%) or more, or the area of the parking lot is expanded by fifty percent (50%) or more, then the area of the parking lot expansion shall comply with the requirements of this subsection.
- (2) *Alternative landscaping arrangements.* For projects being reviewed administratively, the Planning Director shall have the authority to permit an alternative landscaping arrangement where such an arrangement provides at least the minimum number of plantings specified in this section and satisfies the intent of the Zoning Ordinance. For projects requiring Planning Commission review and approval, the Planning Commission shall have the authority to permit such an alternative landscaping arrangement.
- (3) *Required perimeter landscaping.* Perimeter landscaping yards shall be required around all properties in the CCO district except properties with buildings permitted to be constructed to the edge of the sidewalk or property line(s). In cases where a building has been constructed to the sidewalk or property lines, perimeter landscaping yards shall be installed along the remaining boundaries of the site where practical. Where the building is set back less than 5' from the front property but not on the front property line, an alternative landscape plan must be submitted to achieve the general landscaping goals of this section. A perimeter landscaping yard shall have a minimum width of:
- (a) five (5) feet on a front planting yard and three (3) feet on other planting yards where the site is two (2) acres or less; or
 - (b) eight (8) feet on a front planting yard and five (5) feet on other planting yards where the site is greater than two (2) acres.
- (4) *Shared planting yards.* Along a side or rear property line, the requirement for perimeter landscaping may be satisfied by the creation and maintenance of a single planting yard with the adjacent property owner. The number of trees shall be the same as required as if it was only one perimeter landscaping yard for the common planting yard. Both property owners shall present and execute an enforceable written agreement for the perpetual maintenance of the planting yard and record it in the Rutherford County Register of Deeds office at no expense to the City. The agreement shall be binding on any successor owner of either property.
- (5) *Specifications for planting yards.* Unless otherwise specified in this subsection, the following specifications shall apply to planting yards in the CCO district:
- (a) Planting yards shall contain one shade tree every fifty (50) linear feet, excluding any vehicular access way. Ornamental trees may be substituted for up to sixty percent (60%) of

- otherwise required shade trees. Ornamental trees shall be planted not more than thirty (30) linear feet from another tree. Only ornamental trees may be planted under overhead utility lines. These trees shall be generally equally distributed along the property lines, but they are not required to be at absolute equal intervals. This will allow for some flexibility in design while discouraging long intervals without trees.
- (b) Lots within the CCO district having one hundred and fifty (150) linear feet or less of lot frontage may also meet the requirement for perimeter landscaping in front planting yards as specified below. Shrubs required to be planted within a front planting yard under this provision may be planted anywhere within the front planting yard and may be mass planted to achieve a more naturalistic appearance. Ground cover is not considered a shrub. Shrubs shall be of at least two different types (small, medium, or large being the types) and at least fifty percent (50%) of the shrubs shall be evergreen. The shrubs shall have a minimum height of eighteen (18) inches from ground level at the time of planting.
- [1] With a five (5) foot front planting yard, no trees are required, but one shrub is required for every ten (10) square feet of planting yard.
- [2] With an eight (8) foot front planting yard, one (1) shade tree or (2) two ornamental trees are required, and one shrub is required for every eight (8) square feet of planting yard.
- (6) *Diversity of species.* No one tree species shall comprise more than sixty (60) percent of the total number of trees.
- (7) *Distance between trees and rights-of-way/parking lots.* All trees shall be planted no closer than two and one half (2.5) feet from any public right-of-way or parking lot. In all circumstances, care shall be taken to avoid damage to trees from automobiles that may overhang the planting yard.
- (8) *Landscape requirements for new parking lots.*
- (a) Off-street parking areas with multiple access aisles shall be designed and constructed with landscape islands dividing at least every twelve (12) parking spaces in a row. Such islands shall have a minimum width of nine (9) feet from face of curb to face of curb with a minimum 7' planting area width and shall have a minimum depth equal to the depth of the adjacent parking stall(s). In addition to being designed with landscape islands dividing the rows, large parking areas with multiple rows of parking aisles shall be divided into sub-lots (sub-areas) containing no more than thirty-six spaces along either side of an aisle. Such sub-lots shall be divided by cross-access aisles allowing for cross circulation between aisles. The minimum width of such cross- access aisles shall be twenty-two (22) feet.
- (b) All landscape islands shall be designed and constructed to include continuous curbing around their perimeter and shall be backfilled with topsoil to a depth of thirty (30) inches and shall be free of rock, debris, inorganic compositions, and chemical residues detrimental to plant life. All such landscape islands shall be planted with shade trees or, in appropriate circumstances, ornamental trees.
- (c) The stormwater drainage plan and landscaping plan shall be coordinated so the landscaping plan enhances stormwater drainage.

- (9) *Base of building landscaping requirements.* The following base of building landscape requirements shall apply to all buildings, with the exception of industrial, single- family residential detached, single-family residential attached zero lot line (maximum 2 units attached), and two-family residential uses.
- (a) A three (3) foot minimum width landscape strip shall be provided along the front and sides adjacent to the base of buildings or separated from the building by a sidewalk. Such strip shall be planted with shrubs, trees, or other landscape materials. However, no such landscape strip shall be required within five (5) feet of a building entrance or in such a manner as to block access to a door or other significant building element or within an area used for outdoor seating for a restaurant use.
 - (b) The base of building landscaping requirement shall not apply to portions of the building adjacent to maneuvering areas and loading areas that are not visible from a public right-of-way
 - (c) In the case of existing buildings, the base of building landscaping requirement along the side of a building shall not be required if it will cause the width of an access drive along the side of the building to be reduced to less than twenty-two (22) feet.
 - (d) Where the building is setback less than 5’ from the front property line but not on the front property line, an alternative landscape plan must be submitted to achieve the general base of building landscaping goals of this section. However, base of building plantings shall not be required along the front or side of a structure built to the edge of a sidewalk or a property line.
- (10) *Screening requirements.* Service areas, mechanical equipment, trash containers, dumpsters, and similar unaesthetic site elements shall be screened with the use of plant material, fences, or walls to reduce potential negative impacts. Stormwater management areas including detention or retention areas shall be landscaped. Such areas may be planted in a manner conducive to stormwater management with appropriate vegetation upon approval by the City Engineer.

Passed:

Shane McFarland, Mayor

1st reading _____

2nd reading _____

ATTEST:

Jennifer Brown
City Recorder

APPROVED AS TO FORM:

DocuSigned by:

Adam F. Tucker

Adam F. Tucker
City Attorney

SEAL

COUNCIL COMMUNICATION

Meeting Date: 12/02/2021

Item Title: Reconfiguration of the Airport Commission

Department: Administration

Presented by: Craig Tindall, City Manager

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

Reconfiguration of the Murfreesboro Airport Commission.

Staff Recommendation

Approve ordinance reconfiguring the Airport Commission.

Background Information

Chapter 3 of the City Code creates the Airport Commission to oversee operations, maintenance, and leasing arrangements for the Murfreesboro Municipal Airport. Currently, the Commission consists of seven voting members and two, non-voting ex-officio members. The two ex-officio members are the City Manager and a designee of Middle Tennessee State University. Additionally, the current code directs the City to support development of the MTSU programs at the airport.

MTSU flight operations in the past compose approximately 75% of flight operations at the airport. Over the last four years, enrollment in the pro-pilot program at MTSU has increased by 125%. MTSU has stated it intends to further grow the pro-pilot program and has a pending order with aircraft manufacturers to increase its fleet by 30%. A study that is currently being concluded demonstrates that these operations exceed the airspace capacity of the airport. The large number of student pilot operations concentrated over the airport arises safety concerns.

The City agreements with the FAA related to funding past airport expansions require that generally all tenants be treated equally. Allowing one tenant to serve on the Commission and excluding all others creates an inherent disparity among the airport's tenants. This is especially problematic given MTSU significant presence at the airport. The FAA agreements mandate, with certain exceptions, that City to avoid creating an exclusive use by one tenant to that airport. The configuration of MTSU's pro-pilot program, the goal of growing this program, and the planned increase in the fleet of MTSU aircraft creates the potential of effectively creating an exclusive use of the airport facility by MTSU in violation of the City's agreements with FAA. Allowing MTSU to continue serving on the Commission and have as a tenant an imbalanced voice is Commission process inconsistent with the effective Board governance, efficient

airport management, and potentially the airport's agreements with the FAA. Therefore, the ex-officio position assigned to the University should be eliminated. Further, imposing by ordinance cooperation with just one tenant over others creates a same issue and should be removed.

It should be noted that MTSU has undertaken significant changes in its pro-pilot program since the City began to voice its concerns and assert its authority as the airport's sponsor. Wholesale staff changes were made with a new interim Dean of Applied Sciences (under which the Aerospace Department falls), a new Chair of the Aerospace Department, an interim director of flight operations, and a created position of flight safety director. The new staff that is directly involved with the Aerospace program has made substantial strides in cooperating with the City on assuring airport operations continue to be efficient and safe. Staff is hopeful that current Aerospace Department administration, including the interim dean, are permitted by University's leadership to continue this progress and enter into the appropriate commitments that the progress will continue.

The University has also stated it will be moving its program to another airport in the near future. Therefore, it is incumbent upon the City and airport management to make adjustments to accommodate that move while allowing the airport to continue providing top-level services to the general aviation community. In light of this announcement, amending the Commission at this time is appropriate.

Lastly, the City Manager ex-officio position on the Commission is unnecessary. The City Manager can address the Commission as staff at any time.

Council Priorities Served

Expand infrastructure

The City's airport is an important part of the City's transportation infrastructure. Diligent management of this facility is required to provide excellent service to the general aviation community. That diligence includes careful planning, anticipation of future changes, and when necessary appropriately directing and restricting tenant usage to assure the airport meets these responsibilities.

Fiscal Impact

None.

Attachment

Ordinance 21-O-30

ORDINANCE 21-O-30 amending Murfreesboro City Code, Chapter 3, Airport, Section 3-51, Composition; Term of Office; Compensation; Removal from Office and Section 3-53, Purposes, regarding the Airport Commission.

WHEREAS, the City engages the Airport Commission to oversee the operations, maintenance, and leasing arrangements of the Murfreesboro Municipal Airport; and

WHEREAS, the Airport Commission consists of seven members and two ex-officio non-voting members; and

WHEREAS, one ex-officio member is the City Manager who as City staff has the ability to address the Commission at any time; and

WHEREAS, one ex-official member is a representative of Middle Tennessee State University, which is a commercial operator at the Airport; and

WHEREAS, it may appear unjustly discriminatory to permit one commercial operator to serve on the Commission and not others, specifically a commercial operator whose operations dominate flight operations at the Airport and who has stated plans are to continue to grow their operation in disregard of the impact that growth has on the Airport's capacity and the growth's effect on other general aviation users and the community given that such growth will further dominate flights operations at the Airport effectively precluding other flight operations thereby limiting the Airport's availability to the general aviation community, diminishing the usefulness of the Airport as a competitive enterprise, and inhibiting the Airport from become financially self-sustaining, and

WHEREAS, the City Council believes it is in the best interests of the community to enhance the ability of the Airport Commission to further its designated purpose by changing the composition of the Airport Commission to eliminate the ex-officio non-voting member positions; and

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

SECTION 1. City Code Section 3-51, Composition; term of office; compensation; removal from office is amended as follows:

- (i) The first sentence of the first paragraph is amended by deleting the language “and two ex-officio non-voting members” from the end of the sentence; and
- (ii) The sixth sentence of the first paragraph, “The City Manager and a representative of Middle Tennessee State University shall serve as non-voting ex-officio members” shall be deleted entirely.

SECTION 2. City Code Section 3-53, Purposes, is amended at subsection (E) by deleting the existing language and replacing it with the with the following sentence:

“Cooperate with all commercial operators in the development and implementation of their businesses and the aeronautical services provided to the community and flying public.”

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:

1st reading _____

2nd reading _____

ATTEST:

Shane McFarland, Mayor

APPROVED AS TO FORM:

Jennifer Brown
City Recorder

Adam F. Tucker
City Attorney

SEAL

COUNCIL COMMUNICATION

Meeting Date: 12/02/2021

Item Title: Land Exchange with Middle Tennessee Electric Membership Corporation

Department: Administration

Presented by: Craig Tindall, City Manager

Requested Council Action:

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

Summary

Direction to explore a potential land exchange with Middle Tennessee Electric Membership Corporation (MTE).

Staff Recommendation

Approve staff moving forward with negotiation, conducting due diligence, and preparing documentation for a land exchange with MTE.

Background Information

In September 2014, MTE purchased approximately 149 acres along Veterans Parkway and the intersection of Blackman Road/Birchtree Drive (MTE Parcel). The property is currently zoned PUD and commercial development is restricted to 80 acres. Additionally, five acres of the parcel is in a floodplain.

In August 2016, the City purchased approximately 116 acres of land in the vicinity of I-840 and Veterans Parkway (City Parcel). Depending on engineering of future development, 80-100 acres is developable. The property is served by all utilities except sewer and MWRD is in design to run sewer and serve this area as an assessment district.

The City initially planned development of a park on the City Parcel serving the western portion of the City. The City Parcel, however, is on the City's corporate and close to its Urban growth boundary making its location less desirable as a City park site. Because the City Parcel is highly visible from I-840 along with the Veterans Parkway exit, its highest and best use is clearly commercial development. The City and Chamber of Commerce will continue to work on the economic development of these properties. MTE also works extensive in the economic development arena with TVA, the State, and the Middle Tennessee Industrial Development Board. MTE ownership of this property will enhance the economic development potential of the property.

The MTE Parcel, located one mile south of the City Parcel, is integrated within the City's boundaries. Given the residential development in the area and abutting the MTE Parcel, appropriate and compatible City development of this property provides more suitable use of the property. Therefore, developing this site with needed City facilities better serves City residents.

In light of the above, staff desires to explore a potential exchange of the City Parcel with the MTE Parcel. The MTE Board of Director has considered the concept of the land exchange and was favorable toward proceeding with the technical aspects of this transaction.

Council Priorities Served

Responsible budgeting

Placing City-owned land into its highest and best use in service to the community is an important part of long-term budgeting.

Improve economic development

Transferring a large are of land to an entity well suited to handle economic development enhancing the potential development of the City Parcel

Expand infrastructure

The proposed land exchange, if later approved by Council, will provide more suitable land for development of City infrastructure.

Fiscal Impact

Generally, staff time will be utilized for the project. Outside consultants may be retained as necessary and that expense will be funded from Administration's operating budget with the appropriate transfer documentation presented to Council as needed.

COUNCIL COMMUNICATION

Meeting Date: 12/02/2021

Item Title: Authorization of IDB of Rutherford County to enter into PILOT Agreement with General Mills

Department: Administration

Presented by: Craig Tindall, City 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

Delegation of authority to the Industrial Development Board of Rutherford County to enter into a Payment in Lieu of Taxes (PILOT) agreement by the with General Mills in support of plant modernization.

Staff Recommendation

Authorize the IDB to enter into a PILOT Agreement regarding City tax revenues with General Mills.

Background Information

Tennessee statutes permit industrial development boards, which are non-taxable, not for profit entities, to own and lease property to private corporations. PILOT are common incentives used to attract economic development project that provide benefits to the community in the form of employment opportunities, amenities, and tax revenues.

General Mills is considering modernizing its plant operations in the City by investing \$65m in real and personal property. The Murfreesboro General Mills plant currently employs approximately 1,200 individuals at an average wage above the County's median income. Modernizing the Murfreesboro facility will assure operations at the plant will continue long into the future, which is a substantial benefit to the community with the continuation of employment opportunity and tax revenues.

Providing the PILOT for the Murfreesboro plant assures that the investment will be made at this location and not allocated to other General Mills plants. The proposed PILOT is for five years. After incentives, the PILOT is projected to have a positive economic impact during its term of \$97.5m. Total City and County tax revenues during the PILOT term from the investment are projected to be \$2,060,451. The PILOT proposes to abate \$326,424 in personal property taxes during the first three years of the PILOT term, which equates to a cost/benefit ratio of 6.31. This abate is be highly beneficial in securing the investment over other competing General Mills facilities.

For City tax revenues, the PILOT is structured will full real property tax payments during the PILOT term and an abatement of personal property taxes in years one and two and 35% abatement in year three. Total personal property tax abate is estimated to be \$119,953 during the five-year PILOT term.

Council Priorities Served

Improve economic development

PILOT programs are a strong method of provide economic development incentives for investments and employment opportunities in the community that would otherwise not occur or would otherwise the delayed.

Fiscal Impact

No immediate budget impact. The PILOT agreement offsets future new tax revenues, which are estimated to be \$890,000, in the amount of \$200,000 over a three-year period, for a net increase in personal property taxes of about \$690,000.

Attachment

Economic Impact and Cost/Benefit Analysis Summary - Project Zee Expansion

Economic Impact and Cost/Benefit Analysis Summary
City of Murfreesboro, Rutherford County, TN

Company/Applicant:	<u>Project Zee Expansion</u>
Capital Investment: (new)	<u>\$ 65,000,000</u>
Jobs:	<u>-</u>
Annual Average Wage: Rutherford County Annual Average Wage: \$52,412	<u>\$ 58,656</u>
PILOT Terms (years):	<u>5</u>
Total Local Incentive:	<u>\$ 326,424</u>
Local Tax Benefit:	<u>\$ 2,060,451</u>
Benefit/Cost Ratio:	<u>6.31</u>

City of Murfreesboro, Rutherford County, TN
Project Zee Expansion
Economic Impact and Benefit/Cost Analysis

One Time Expansion Impact		
Total Capital Investment*	\$	65,000,000
Real Property: Site Development/Construction/Renovations	\$	15,000,000
Final Demand Output Multiplier ¹		1.6286
Economic Impact	\$	24,429,000
Personal Property: Equipment Purchase/Set-up	\$	50,000,000
Final Demand Output Multiplier ²		1.4610
Economic Impact	\$	73,050,000
Total Economic Impact	\$	97,479,000
Local Indirect Sales Tax Revenue ³	\$	449,266
Other Local Indirect Tax Revenue ⁴	\$	90,752
Total Tax Revenue	\$	540,017

Real Property Tax Schedules Project Zee Expansion

Rutherford County

Rutherford County Tax Rate: \$2.2194	Real Property - Building & Land Year 1			
	Full Taxes	% of taxes paid	Taxes Paid	Taxes Abated
Value	\$ -			
Year 1	\$ -	100%	\$ -	\$ -
Year 2	\$ -	100%	\$ -	\$ -
Year 3	\$ -	100%	\$ -	\$ -
Year 4	\$ -	100%	\$ -	\$ -
Year 5	\$ -	100%	\$ -	\$ -
Total	\$ -		\$ -	\$ -

City of Murfreesboro

City of Murfreesboro Tax Rate: \$1.2894	Real Property - Building & Land Year 1			
	Full Taxes	% of taxes paid	Taxes Paid	Taxes Abated
Value	\$ -			
Year 1	\$ -	100%	\$ -	\$ -
Year 2	\$ -	100%	\$ -	\$ -
Year 3	\$ -	100%	\$ -	\$ -
Year 4	\$ -	100%	\$ -	\$ -
Year 5	\$ -	100%	\$ -	\$ -
Total	\$ -		\$ -	\$ -

Rutherford County

Rutherford County Tax Rate: \$2.2194	Real Property - Building & Land Year 2			
	Full Taxes	% of taxes paid	Taxes Paid	Taxes Abated
Value	\$ 5,000,000			
Year 1				
Year 2	\$ 44,388	100%	\$ 44,388	\$ -
Year 3	\$ 44,388	100%	\$ 44,388	\$ -
Year 4	\$ 44,388	100%	\$ 44,388	\$ -
Year 5	\$ 44,388	100%	\$ 44,388	\$ -
Total	\$ 177,552		\$ 177,552	\$ -

City of Murfreesboro

City of Murfreesboro Tax Rate: \$1.2894	Real Property - Building & Land Year 2			
	Full Taxes	% of taxes paid	Taxes Paid	Taxes Abated
Value	\$ 5,000,000			
Year 1				
Year 2	\$ 25,788	100%	\$ 25,788	\$ -
Year 3	\$ 25,788	100%	\$ 25,788	\$ -
Year 4	\$ 25,788	100%	\$ 25,788	\$ -
Year 5	\$ 25,788	100%	\$ 25,788	\$ -
Total	\$ 103,152		\$ 103,152	\$ -

Real Property Tax Schedules Project Zee Expansion

Rutherford County

Rutherford County Tax Rate: \$2.2194	Real Property - Building & Land Year 3			
	Full Taxes	% of taxes paid	Taxes Paid	Taxes Abated
Value	\$ 5,000,000			
Year 1				
Year 2				
Year 3	\$ 44,388	100%	\$ 44,388	\$ -
Year 4	\$ 44,388	100%	\$ 44,388	\$ -
Year 5	\$ 44,388	100%	\$ 44,388	\$ -
Total	\$ 133,164		\$ 133,164	\$ -

City of Murfreesboro

City of Murfreesboro Tax Rate: \$1.2894	Real Property - Building & Land Year 3			
	Full Taxes	% of taxes paid	Taxes Paid	Taxes Abated
Value	\$ 5,000,000			
Year 1				
Year 2				
Year 3	\$ 25,788	100%	\$ 25,788	\$ -
Year 4	\$ 25,788	100%	\$ 25,788	\$ -
Year 5	\$ 25,788	100%	\$ 25,788	\$ -
Total	\$ 77,364		\$ 77,364	\$ -

Rutherford County

Rutherford County Tax Rate: \$2.2194	Real Property - Building & Land Year 4			
	Full Taxes	% of taxes paid	Taxes Paid	Taxes Abated
Value	\$ 5,000,000			
Year 1				
Year 2				
Year 3				
Year 4	\$ 44,388	100%	\$ 44,388	\$ -
Year 5	\$ 44,388	100%	\$ 44,388	\$ -
Total	\$ 88,776		\$ 88,776	\$ -

City of Murfreesboro

City of Murfreesboro Tax Rate: \$1.2894	Real Property - Building & Land Year 4			
	Full Taxes	% of taxes paid	Taxes Paid	Taxes Abated
Value	\$ 5,000,000			
Year 1				
Year 2				
Year 3				
Year 4	\$ 25,788	100%	\$ 25,788	\$ -
Year 5	\$ 25,788	100%	\$ 25,788	\$ -
Total	\$ 51,576		\$ 51,576	\$ -

Total Taxes Paid:

\$ 631,584

Total Taxes Abated:

\$ -

Personal Property Tax Schedules **Project Zee Expansion**

Rutherford County

Rutherford County Tax Rate: \$2.2194	Personal Property - Year 1				
	Full Taxes	Depreciation Rate	% of taxes paid	Taxes Paid	Taxes Abated
Value	\$ 5,000,000				
Year 1	\$ 29,296	0.88	0%	\$ -	\$ 29,296
Year 2	\$ 24,968	0.75	0%	\$ -	\$ 24,968
Year 3	\$ 20,973	0.63	65%	\$ 13,633	\$ 7,341
Year 4	\$ 16,646	0.50	100%	\$ 16,646	\$ -
Year 5	\$ 12,651	0.38	100%	\$ 12,651	\$ -
Total	\$ 104,534			\$ 42,929	\$ 61,605

City of Murfreesboro

City of Murfreesboro Tax Rate: \$1.2894	Personal Property - Year 1				
	Full Taxes	Depreciation Rate	% of taxes paid	Taxes Paid	Taxes Abated
Value	\$ 5,000,000				
Year 1	\$ 17,020	0.88	0%	\$ -	\$ 17,020
Year 2	\$ 14,506	0.75	0%	\$ -	\$ 14,506
Year 3	\$ 12,185	0.63	65%	\$ 7,920	\$ 4,265
Year 4	\$ 9,671	0.50	100%	\$ 9,671	\$ -
Year 5	\$ 7,350	0.38	100%	\$ 7,350	\$ -
Total	\$ 60,731			\$ 24,940	\$ 35,791

Rutherford County

Rutherford County Tax Rate: \$2.2194	Personal Property - Year 2				
	Full Taxes	Depreciation Rate	% of taxes paid	Taxes Paid	Taxes Abated
Value	\$ 15,000,000				
Year 1					
Year 2	\$ 87,888	0.88	0%	\$ -	\$ 87,888
Year 3	\$ 74,905	0.75	65%	\$ 48,688	\$ 26,217
Year 4	\$ 62,920	0.63	100%	\$ 62,920	\$ -
Year 5	\$ 49,937	0.50	100%	\$ 49,937	\$ -
Total	\$ 275,649			\$ 161,545	\$ 114,105

City of Murfreesboro

City of Murfreesboro Tax Rate: \$1.2894	Personal Property - Year 2				
	Full Taxes	Depreciation Rate	% of taxes paid	Taxes Paid	Taxes Abated
Value	\$ 15,000,000				
Year 1	\$ -				
Year 2	\$ 51,060	0.88	0%	\$ -	\$ 51,060
Year 3	\$ 43,517	0.75	65%	\$ 28,286	\$ 15,231
Year 4	\$ 36,554	0.63	100%	\$ 36,554	\$ -
Year 5	\$ 29,012	0.50	100%	\$ 29,012	\$ -
Total	\$ 160,143			\$ 93,852	\$ 66,291

Personal Property Tax Schedules **Project Zee Expansion**

Rutherford County

Rutherford County Tax Rate: \$2.2194	Personal Property - Year 3				
	Full Taxes	Depreciation Rate	% of taxes paid	Taxes Paid	Taxes Abated
Value	\$ 15,000,000				
Year 1	\$ -				
Year 2	\$ -				
Year 3	\$ 87,888	0.88	65%	\$ 57,127	\$ 30,761
Year 4	\$ 74,905	0.75	100%	\$ 74,905	\$ -
Year 5	\$ 62,920	0.63	100%	\$ 62,920	\$ -
Total	\$ 225,713			\$ 194,952	\$ 30,761

City of Murfreesboro

City of Murfreesboro Tax Rate: \$1.2894	Personal Property - Year 3				
	Full Taxes	Depreciation Rate	% of taxes paid	Taxes Paid	Taxes Abated
Value	\$ 15,000,000				
Year 1	\$ -				
Year 2	\$ -				
Year 3	\$ 51,060	0.88	65%	\$ 33,189	\$ 17,871
Year 4	\$ 43,517	0.75	100%	\$ 43,517	\$ -
Year 5	\$ 36,554	0.63	100%	\$ 36,554	\$ -
Total	\$ 131,132			\$ 113,261	\$ 17,871

Rutherford County

Rutherford County Tax Rate: \$2.2194	Personal Property - Year 4				
	Full Taxes	Depreciation Rate	% of taxes paid	Taxes Paid	Taxes Abated
Value	\$ 15,000,000				
Year 1					
Year 2					
Year 3					
Year 4	\$ 87,888	0.88	100%	\$ 87,888	\$ -
Year 5	\$ 74,905	0.75	100%	\$ 74,905	\$ -
Total	\$ 162,793			\$ 162,793	\$ -

City of Murfreesboro

City of Murfreesboro Tax Rate: \$1.2894	Personal Property - Year 4				
	Full Taxes	Depreciation Rate	% of taxes paid	Taxes Paid	Taxes Abated
Value	\$ 15,000,000				
Year 1					
Year 2					
Year 3					
Year 4	\$ 51,060	0.88	100%	\$ 51,060	\$ -
Year 5	\$ 43,517	0.75	100%	\$ 43,517	\$ -
Total	\$ 94,577			\$ 94,577	\$ -

Total Taxes Paid:

\$ 888,849

Total Taxes Abated:

\$ 326,424

City of Murfreesboro, Rutherford County, TN
Project Zee Expansion
Economic Impact and Benefit/Cost Analysis

Payback Summary

PILOT Term (years)		5
Total Property Taxes Abated	\$	326,424
Hard Costs/Incentive Provided by City/County	\$	-
Total Local Incentive Provided to Project	\$	326,424
Tax Revenues From Construction	\$	540,017
Tax Revenues From Operations During the PILOT Period	\$	-
Property Tax Revenues Received During the PILOT Period	\$	1,520,433
Total Tax Revenues Received During PILOT Period	\$	2,060,451
Benefit/Cost Ratio		6.31

Projected Costs:

Hard Costs (land, infrastructure, etc.)
None.

Opportunity Costs

Local government is requested to forgo for a period of years the opportunity to collect taxes on site improvement, building, and industrial equipment that are a part of the project.

Payback:

Benefit/Cost Ratio: The sum of tax revenues from construction, operations and property during the PILOT period divided by the total taxes forgone.

Notes for Project Zee Economic Impact Analysis

1. U.S. Bureau of Economic Analysis, 2012/2017 RIMS II final demand aggregate multiplier for construction for Rutherford County, Tennessee. This multiplier represents the total change in output that occurs in all industries from each dollar of output delivered by the specified industry.
2. U.S. Bureau of Economic Analysis, 2012/2017 RIMS II final demand aggregate multiplier for wholesale trade for Rutherford County, Tennessee.
3. U.S. Department of Labor, *Consumer Expenditure Survey*, Southern US 2020 factor applied to determine the rate of indirect or “downstream” expenditures on sales taxable goods and services at the local option tax rate of \$.0275. It is assumed that purchases associated with new construction and equipment will be sales tax exempt.
4. Based upon July 2020 - June 2021 collections of local Rutherford County Business, Alcohol, Hotel/Motel and Motor Vehicle fees and taxes as a ratio to local sales tax collections.

*All calculations are in constant 2021 dollars. No tax rate increases are assumed.

COUNCIL COMMUNICATION

Meeting Date: 12/02/2021

Item Title: Contract for Administration of City Retirement Program

Department: Employee Services

Presented by: Randolph Wilkerson, Employee Services 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

Approve contract for the administrator of the City's defined contribution plan.

Staff Recommendation

Approve agreement with MissionSquare (formerly ICMA-RC) to administer the City's defined contribution plan.

Background Information

The City maintains an employee retirement program through IRS approved investments by employee contributions from deferred salary with a plan-defined City match. To provide for an evaluation of this program, Council approved a request for competitive sealed proposals in June 2021. The City received four responses, which were evaluated by a well-formed committee, and narrowed down to two vendors. After those two vendors presented the details of their services, the committee selected MissionSquare Retirement to continue as the City's defined contribution plan administrator. MissionSquare (formerly ICMA-RC) has provided administration services to the City since 2010 when the program was created.

Council Priorities Served

Responsible budgeting

As a service organization, employee salaries and benefits compose the largest single item of the City Budget. Providing a high level of retirement benefits and services is essential to hiring and retaining excellent employees, along with responsibly managing this significant expense.

Fiscal Impact

The cost of the program is paid for from the total annual aggregate recordkeeping revenue of the investment options of the plan.

Attachments

Retirement Plan Administration Agreement

ADMINISTRATIVE SERVICES AGREEMENT

for

City of Murfreesboro

Type: **457**

Account #: **306699**

Type: **401**

Account #: **106895**

MissionSquare
RETIREMENT



ADMINISTRATIVE SERVICES AGREEMENT

This Administrative Services Agreement ("Agreement"), made as of this day, (please enter date) _____, (herein referred to as the "Inception Date"), between the International City Management Association Retirement Corporation doing business as MissionSquare Retirement ("MissionSquare"), a nonprofit corporation organized and existing under the laws of the State of Delaware, and the **City of Murfreesboro** ("Employer"), an **Entity** organized and existing under the laws of the State of **Tennessee** with an office at **111 West Vine Street, Murfreesboro, Tennessee 37133**.

RECITALS

Employer acts as public plan sponsor of a retirement plan ("Plan"), and in that capacity, has responsibility to obtain administrative services and investment alternatives for the Plan;

VantageTrust is a group trust established and maintained in accordance with New Hampshire Revised Statutes Annotated section 391:1 and Internal Revenue Service Revenue Ruling 81-100, 1981-1 C.B. 326, which provides for the commingled investment of retirement funds;

MissionSquare, or its wholly owned subsidiary, acts as investment adviser to VantageTrust Company, LLC, the Trustee of VantageTrust;

MissionSquare has designed, and VantageTrust offers, a series of separate funds (the "Funds") for the investment of plan assets as referenced in VantageTrust's principal disclosure documents, the VantageTrust Disclosure Memorandum and the Funds' Fact Sheets (together, "VT Disclosures"); and

MissionSquare provides a range of services to public employers for the operation of employee retirement plans including, but not limited to, communications concerning investment alternatives, account maintenance, account recordkeeping, investment and tax reporting, transaction processing, and benefit disbursement.

AGREEMENTS

1. Appointment of MissionSquare

Employer hereby appoints MissionSquare as Administrator of the Plan to perform all nondiscretionary functions necessary for the administration of the Plan. The functions to be performed by MissionSquare shall be those set forth in Exhibit A to this Agreement.

2. Adoption of VantageTrust

Employer has adopted the Declaration of Trust of VantageTrust Company and agrees to the commingled investment of assets of the Plan within VantageTrust. Employer agrees that the investment, management, and distribution of amounts deposited in VantageTrust shall be subject to the Declaration of Trust, as it may be amended from time to time and shall also be subject to terms and conditions set forth in disclosure documents (such as the VT Disclosures or Employer Bulletins) as those terms and conditions may be adjusted from time to time.

3. Employer Duty to Furnish Information

Employer agrees to furnish to MissionSquare on a timely basis such information as is necessary for MissionSquare to carry out its responsibilities as Administrator of the Plan, including information needed to allocate individual participant accounts to Funds in VantageTrust, and information as to the employment status of participants, and participant ages, addresses, and other identifying information (including tax identification numbers). Employer also agrees that it will notify MissionSquare in a timely manner regarding changes in staff as it relates to various roles. Such notification is to be completed through the plan sponsor website. MissionSquare shall be entitled to rely upon the accuracy of any information that is furnished to it by a responsible official of the Employer or any information relating to an individual participant or beneficiary that is furnished by such participant or beneficiary, and MissionSquare shall not be responsible for any error arising from its reliance on such information. MissionSquare will provide reports, statements and account information to the Employer through the plan sponsor website.

Employer is required to send in contributions through the plan sponsor website. Alternative electronic methods may be allowed but must be approved by MissionSquare for use. Contributions may not be sent through paper submittal documents.

To the extent Employer selects third-party funds that do not have fund profile information provided to MissionSquare through electronic data feeds from external sources (such as Morningstar) or third-party fund providers, the

Employer is responsible for providing to MissionSquare timely fund investment updates for disclosure to Plan participants. Such updates may be provided to MissionSquare through the Employer's investment consultant or other designated representative.

4. MissionSquare Representations and Warranties

MissionSquare represents and warrants to Employer that:

- (a) MissionSquare is a non-profit corporation with full power and authority to enter into this Agreement and to perform its obligations under this Agreement. The ability of MissionSquare, or its wholly owned subsidiary, to serve as investment adviser to VantageTrust Company is dependent upon the continued willingness of VantageTrust Company for MissionSquare, or its wholly owned subsidiary, to serve in that capacity.
- (b) MissionSquare is an investment adviser registered as such with the U.S. Securities and Exchange Commission under the Investment Advisers Act of 1940, as amended.
- (c)(i) MissionSquare shall maintain and administer the 457(b) Plan in accordance with the requirements for eligible deferred compensation plans under Section 457 of the Internal Revenue Code and other applicable federal law; provided, however, that MissionSquare shall not be responsible for the eligible status of the 457(b) Plan in the event that the Employer directs MissionSquare to administer the 457(b) Plan or disburse assets in a manner inconsistent with the requirements of Section 457 or otherwise causes the 457(b) Plan not to be carried out in accordance with its terms. Further, in the event that the Employer uses its own customized plan document, MissionSquare shall not be responsible for the eligible status of the 457(b) Plan to the extent affected by terms in the Employer's plan document that differ from those in MissionSquare's model plan document. MissionSquare shall not be responsible for monitoring state or local law applicable to retirement plans or for administering the 457(b) Plan in compliance with local or state requirements regarding plan administration unless Employer notifies MissionSquare of any such local or state requirements.
- (c)(ii) MissionSquare shall maintain and administer the 401(a) Plan in accordance with the requirements for plans which satisfy the qualification requirements of Section 401 of the Internal Revenue Code and other applicable federal law; provided, however,

MissionSquare shall not be responsible for the qualified status of the 401(a) Plan in the event that the Employer directs MissionSquare to administer the 401(a) Plan or disburse assets in a manner inconsistent with the requirements of Section 401 or otherwise causes the 401(a) Plan not to be carried out in accordance with its terms; provided, further, that if the plan document used by the Employer contains terms that differ from the terms of MissionSquare's model plan document, MissionSquare shall not be responsible for the qualified status of the 401(a) Plan to the extent affected by the differing terms in the Employer's plan document. MissionSquare shall not be responsible for monitoring state or local law applicable to retirement plans or for administering the 401(a) Plan in compliance with local or state requirements regarding plan administration unless Employer notifies MissionSquare of any such local or state requirements.

5. Employer Representations and Warranties

Employer represents and warrants to MissionSquare that:

- (a) Employer is organized in the form and manner recited in the opening paragraph of this Agreement with full power and authority to enter into and perform its obligations under this Agreement and to act for the Plan and participants in the manner contemplated in this Agreement. Execution, delivery, and performance of this Agreement will not conflict with any law, rule, regulation or contract by which the Employer is bound or to which it is a party.
- (b) Employer understands and agrees that MissionSquare's sole function under this Agreement is to act as recordkeeper and to provide administrative, investment or other services at the direction of Plan participants, the Employer, its agents or designees in accordance with the terms of this Agreement. Under the terms of this Agreement, MissionSquare does not render investment advice, is neither the "Plan Administrator" nor "Plan Sponsor" as those terms are defined under applicable federal, state, or local law, and does not provide legal, tax or accounting advice with respect to the creation, adoption or operation of the Plan and its related trust. MissionSquare does not perform any service under this Agreement that might cause MissionSquare to be treated as a "fiduciary" of the Plan under applicable law, except, and only, to the extent that MissionSquare provides investment advisory services to individual participants enrolled in Guided Pathways Advisory Services.

- (c) Employer acknowledges and agrees that MissionSquare does not assume any responsibility with respect to the selection or retention of the Plan's investment options. Employer shall have exclusive responsibility for the Plan's investment options, including the selection of the applicable mutual fund share class. Where applicable, Employer understands that the VT Retirement IncomeAdvantage Fund is an investment option for the Plan and that the fund invests in a separate account available through a group variable annuity contract. By entering into this Agreement, Employer acknowledges that it has received the Important Considerations document and the VT Disclosures and that it has read the information therein concerning the VT Retirement IncomeAdvantage Fund.
- (d) Employer acknowledges that certain such services to be performed by MissionSquare under this Agreement may be performed by an affiliate or agent of MissionSquare pursuant to one or more other contractual arrangements or relationships, and that MissionSquare reserves the right to change vendors with which it has contracted to provide services in connection with this Agreement without prior notice to Employer.
- (e) Employer approves the use of its Plan in MissionSquare external media, publications and materials. Examples include press releases announcements and inclusion of the general plan information in request for proposal responses.

6. Participation in Certain Proceedings

The Employer hereby authorizes MissionSquare to act as agent, to appear on its behalf, and to join the Employer as a necessary party in all legal proceedings involving the garnishment of benefits or the transfer of benefits pursuant to the divorce or separation of participants in the Plan. Unless Employer notifies MissionSquare otherwise, Employer consents to the disbursement by MissionSquare of benefits that have been garnished or transferred to a former spouse, current spouse, or child pursuant to a domestic relations order or child support order.

7. Compensation and Payment

- (a) MissionSquare's compensation under this Agreement shall be as set forth in subsection (b) below.

- (b) **Revenue Requirement.** MissionSquare shall receive total annual aggregate recordkeeping revenue of **0.185%** from investment options offered by the Plan. MissionSquare shall provide an administrative allowance quarterly to the Employer or to the Plan in an amount equal to any recordkeeping revenue received that is in excess of the revenue requirement, which administrative allowance shall be held in an unallocated plan account until distributed. In the event that recordkeeping revenue received by MissionSquare from investment options offered by the Plan falls below the revenue requirement, MissionSquare and the Employer shall mutually agree upon a method to make up the shortfall necessary to meet the revenue requirement. Employer understands that the Plan administrative allowance is to be used only to pay for reasonable plan administrative expenses of the Plan or to be allocated to Plan participants at the instruction of the Employer.
- (c) **Compensation for Management Services to VantageTrust, Compensation for Advisory and other Services to the VT III Vantagepoint Funds and Payments from Third-Party Mutual Funds.** Employer acknowledges that, in addition to amounts payable under this Agreement, MissionSquare, or its wholly owned subsidiary, receives fees from VantageTrust for investment advisory services and plan and participant services furnished to VantageTrust. Employer further acknowledges that MissionSquare, including certain of its wholly owned subsidiaries, receives compensation for advisory and other services furnished to the VT III Vantagepoint Funds, which serve as the underlying portfolios of a number of Funds offered through VantageTrust. For a VantageTrust Fund that invests substantially all of its assets in a third-party mutual fund not affiliated with MissionSquare, MissionSquare or its wholly owned subsidiary receives payments from the third-party mutual fund families or their service providers in the form of 12b-1 fees, service fees, compensation for sub-accounting and other services provided based on assets in the underlying third-party mutual fund. These fees are described in the VT Disclosures and MissionSquare's fee disclosure statement. In addition, to the extent that third party mutual funds are included in the investment line-up for the Plan, MissionSquare receives administrative fees from its third party mutual fund settlement and clearing agent for providing administrative and other services based on assets invested in third party mutual funds; such administrative fees come from payments made by third party mutual funds to the settlement and clearing agent.

- (d) **Redemption Fees.** Redemption fees imposed by outside mutual funds in which Plan assets are invested are collected and paid to the mutual fund by MissionSquare. MissionSquare remits 100% of redemption fees back to the specific mutual fund to which redemption fees apply. These redemption fees and the individual mutual fund's policy with respect to redemption fees are specified in the prospectus for the individual mutual fund and referenced in the VT Disclosures.
- (e) **Payment Procedures.** All payments to MissionSquare pursuant to this Section 7 shall be made from Plan assets held by VantageTrust or received from third-party mutual funds or their service providers in connection with Plan assets invested in such third-party mutual funds, to the extent not paid by the Employer. The amount of Plan assets administered by MissionSquare shall be adjusted as required to reflect any such payments as are made from the Plan. In the event that the Employer agrees to pay amounts owed pursuant to this Section 7 directly, any amounts unpaid and outstanding after 30 days of invoice to the Employer shall be withdrawn from Plan assets.

The compensation and payment set forth in this Section **7** are contingent upon the Employer's use of MissionSquare's plan sponsor website for contribution processing and submitting contribution funds by ACH or wire transfer on a consistent basis over the term of this Agreement. The compensation in this Section **7** is also based on the Employer offering the Vantagepoint PLUS Fund as the sole stable value option.

The compensation and payment in this Section **7** will take effect in the calendar quarter following receipt at a Delivery Address (defined below the signature line) of one fully executed copy of this Administrative Services Agreement based upon the following schedule:

- Agreement received by February 20 - Effective April
- Agreement received by May 20 - Effective July
- Agreement received by August 20 - Effective October
- Agreement received by December 20 - Effective February

Employer further acknowledges and agrees that compensation and payment under this Agreement shall be subject to re-negotiation in the event that the Employer (a) chooses to implement additional mutual funds that neither (i) trade via NSCC nor (ii) meet MissionSquare's daily trading operational guidelines or (b) chooses to implement investment options that are not mutual funds.

8. Contribution Remittance

Employer understands that amounts invested in the Plan are to be remitted directly to Vantagepoint Transfer Agents in accordance with instructions provided to Employer by MissionSquare and are not to be remitted to MissionSquare. In the event that any check or wire transfer is incorrectly labeled or transferred to MissionSquare, MissionSquare may return it to Employer with proper instructions.

9. Indemnification

MissionSquare shall not be responsible for any acts or omissions of any person with respect to the Plan or its related trust, other than MissionSquare in connection with the administration or operation of the Plan. To the extent permitted under Tennessee law, Employer shall indemnify MissionSquare against, and hold MissionSquare harmless from, any and all loss, damage, penalty, liability, cost, and expense, including without limitation, reasonable attorney's fees, that may be incurred by, imposed upon, or asserted against MissionSquare by reason of any claim, regulatory proceeding, or litigation to the extent any such loss arises from any negligent or intentionally tortious act or omission of Employer or Employer's agents and employees, , excepting only any and all loss, damage, penalty, liability, cost or expense resulting from MissionSquare's negligence, bad faith, or willful misconduct.

10. Term

This Agreement shall be in effect and commence on the date all parties have signed and executed this Agreement ("Inception Date"). The term of this Agreement will commence on the Inception Date and extend **five (5) years from** that date. This Agreement will be renewed automatically for each succeeding year unless written notice of termination is provided by either party to the other no less than 60 days before the end of such Agreement year. The Employer understands and acknowledges that, in the event the Employer terminates this Agreement (or replaces the Vantagepoint PLUS Fund, offered by VantageTrust, as an investment option in its investment line-up), MissionSquare retains full discretion to release Plan assets invested in the Vantagepoint PLUS Fund in an orderly manner over a period of up to 12 months from the date MissionSquare receives written notification from the Employer that it has made a final and binding selection of a replacement for MissionSquare as administrator of the Plan (or a replacement investment option for the Vantagepoint PLUS Fund).

11. Amendments and Adjustments

- (a) This Agreement may be amended by written instrument signed by the parties.
- (b) MissionSquare may modify this Agreement by providing 60 days' advance written notice to the Employer prior to the effective date of such proposed modification. Such modification shall become effective unless, within the 60-day notice period, the Employer notifies MissionSquare in writing that it objects to such modification. The foregoing permission to modify shall not apply to material provisions specific to Employer, such as Compensation & Payment, Term, and the general scope of services. Changes to these material provisions shall be made only by written agreement.
- (c) The parties agree that enhancements may be made to administrative services under this Agreement. The Employer will be notified of enhancements through the Employer Bulletin, quarterly statements, electronic messages or special mailings. Likewise, if there are any reductions in fees, these will be announced through the Employer Bulletin, quarterly statement, electronic messages or special mailing.

12. Notices

Unless otherwise provided in this Agreement, all notices required to be delivered under this Agreement shall be in writing and shall be delivered, mailed, e-mailed or faxed to the location of the relevant party set forth below or to such other address or to the attention of such other persons as such party may hereafter specify by notice to the other party.

MissionSquare: Legal Department, MissionSquare, 777 North Capitol Street, N.E., Suite 600, Washington, D.C., 20002-4240
Facsimile; (202) 962-4601

Employer: City Manager, City of Murfreesboro, 111 West Vine Street, Murfreesboro, TN 37130. Facsimile: (615) 849-2679.

Each such notice, request or other communication shall be effective: (i) if given by facsimile, when transmitted to the applicable facsimile number and there is appropriate confirmation of receipt; (ii) if given by mail or e-mail, upon transmission to the designated address with no indication that such address is invalid or incorrect; or (iii) if given by any other means, when actually delivered at the aforesaid address.

13. Complete Agreement

This Agreement shall constitute the complete and full understanding and sole agreement between MissionSquare and Employer relating to the object of this Agreement and correctly sets forth the complete rights, duties and obligations

of each party to the other as of its date. This Agreement supersedes all written and oral agreements, communications or negotiations among the parties. Any prior agreements, promises, negotiations or representations, verbal or otherwise, not expressly set forth in this Agreement are of no force and effect.

14. Titles

The headings of Sections of this Agreement and the headings for each of the attached schedules are for convenience only and do not define or limit the contents thereof.

15. Incorporation of Exhibits

All Exhibits (and any subsequent amendments thereto), attached hereto, and referenced herein, are hereby incorporated within this Agreement as if set forth fully herein.

16. Governing Law and Venue

This Agreement shall be governed by and construed in accordance with the laws of the State of **Tennessee**, applicable to contracts made in that jurisdiction without reference to its conflicts of laws provisions. Venue for any action shall be in the applicable state and federal courts for Rutherford County, Tennessee.

17. Ethical Standards

MissionSquare affirms that under its employment policies, standards and practices, it does not subscribe to any personnel policy that permits or allows for the promotion, demotion, employment, dismissal or laying off of any individual due to the individual's race, creed, color, national origin, age, religion, sex, or sexual orientation and that it is not in violation of and will not violate any applicable laws concerning the employment of individuals with disabilities.

It is the policy of the Employer not to discriminate on the basis of age, race, sex, color, national origin, religion, or sexual orientation, or disability in its hiring and employment practices, or in admission to, or access to, or operation of, its programs, services, and activities. With regard to all aspects of this Agreement, MissionSquare certifies and warrants it will comply with this policy.

MissionSquare understands that it shall be a breach of Employer's ethical standards policies for any person to: offer, give, or agree to give to any City of Murfreesboro employee or former employee, or for any City of Murfreesboro 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 work, decision, approval, evaluation or recommendation, investigation, or

in any work, decision, approval, evaluation or recommendation, investigation, or in any other advisory capacity in any proceeding pertaining to this Agreement.

A breach of these ethical standards may result in civil and/or criminal sanctions and/or debarment or suspension from being a contractor or subcontractor for any City of Murfreesboro contract.

18. Warranties

MissionSquare warrants it will perform the services in a professional manner according to the standards established in the industry for the type of work to be performed and as outlined herein.

19. Assignment

MissionSquare shall not assign, transfer, convey, sublet or otherwise dispose of any contract award or any or all of its rights, titles or interest therein, without prior written consent of the Employer. Such consent by the Employer shall not relieve the assignor of liability in the event of default by the assignee.

20. Insurance

MissionSquare shall maintain at least the following commercial insurance policies for the duration of the contract in the amounts specified:

- (a) Worker's compensation and employment liability insurance - Worker's compensation in compliance with the applicable state and federal laws; employer's liability with a limit of \$1,000,000 per occurrence.
- (b) Comprehensive general liability insurance - insurance including broad form property damage, completed operations, and independent contractor's liability, all applicable to personal injury, bodily injury, and property damage to a limit of \$1,000,000 per occurrence and \$2,000,000 aggregate.
- (c) Errors and omissions insurance with minimum coverage of \$1,000,000 per claim. In addition, MissionSquare must notify Employer if the insurance policy is renewed, cancelled, or altered **such that insurance policy limits fall below the required limits of insurance.**

MissionSquare shall provide Employer with the required insurance certificates and endorsements and name the City as an additional insured on the liability coverages prior to contract execution.

In Witness Whereof, the parties hereto certify that they have read and understand this Agreement and all Schedules attached hereto and have caused

Plan numbers 306699, 106895

this Agreement to be executed by their duly authorized officers as of the Inception Date first above written.

CITY OF MURFREESBORO

By _____
Signature/Date

By _____
Name and Title (Please Print)

APPROVED AS TO FORM:

DocuSigned by:

Adam F. Tucker

Adam F. Tucker, City Attorney

**THE INTERNATIONAL CITY MANAGEMENT
ASSOCIATION RETIREMENT CORPORATION
doing business as MISSIONSQUARE
RETIREMENT**

DocuSigned by:

By *Erica McFarquhar*

9F66526B1B9348E

Erica McFarquhar
Authorized Representative

Please return an executed copy of the Agreement to a Delivery Address, either:

- (a) Via **DocuSign**
- (b) Electronically to ClientContracts_ICMA-RC@icmarc.org

Exhibit A

Administrative Services

The administrative services to be performed by MissionSquare under this Agreement shall be as follows:

- (a) Participant enrollment services are provided online. Employees will enroll online through a secure site or the Employer will enroll employees through the plan sponsor website.
- (b) Establishment of participant accounts for each employee participating in the Plan for whom MissionSquare receives appropriate enrollment instructions. MissionSquare is not responsible for determining if such Plan participants are eligible under the terms of the Plan.
- (c) Allocation in accordance with participant directions received in good order of individual participant accounts to investment funds offered under the Plan.
- (d) Maintenance of individual accounts for participants reflecting amounts deferred, income, gain or loss credited, and amounts distributed as benefits.
- (e) Maintenance of records for all participants for whom participant accounts have been established. These files shall include enrollment instructions (provided to MissionSquare through the participant website or the plan sponsor website), beneficiary designation instructions and all other documents concerning each participant's account.
- (f) Provision of periodic reports to the Employer through the plan sponsor website. Participants will have access to account information through Participant Services, Voice Response System, the participant website, and text access, and through quarterly statements that can be delivered electronically through the participant website or by postal service.
- (g) Communication to participants of information regarding their rights and elections under the Plan.
- (h) Making available Participant Services Representatives through a toll-free telephone number from 8:30 a.m. to 9:00 p.m. Eastern Time, Monday through Friday (excluding holidays and days on which the securities markets or MissionSquare are closed for business (including emergency closings)), to assist participants.
- (i) Making available access to MissionSquare's website, to allow participants to access certain account information and initiate certain plan transactions at any time. The participant website is normally available 24 hours a day, seven days a week except during scheduled

maintenance periods designed to ensure high-quality performance. The scheduled maintenance window is outlined at <https://accountaccess.icmarc.org>.

- (j) Maintaining the security and confidentiality of client information through a system of controls including but not limited to, as appropriate: restricting plan and participant information only to those who need it to provide services, software and hardware security, access controls, data back-up and storage procedures, non-disclosure agreements, security incident response procedures, and audit reviews.
- (k) Making available access to MissionSquare's plan sponsor web site to allow plan sponsors to access certain plan information and initiate plan transactions such as enrolling participants and managing contributions at any time. The plan sponsor web site is normally available 24 hours a day, seven days a week except during scheduled maintenance periods designed to ensure high-quality performance. The scheduled maintenance window currently is outlined at <https://ezlink.icmarc.org>.
- (l) Distribution of benefits as agent for the Employer in accordance with terms of the Plan. Participants who have separated from service can request distributions through the participant website or via form.
- (m) Upon approval by the Employer that a domestic relations order is an acceptable qualified domestic relations order under the terms of the Plan, MissionSquare will establish a separate account record for the alternate payee and provide for the investment and distribution of assets held thereunder.
- (n) Loans may be made available on the terms specified in the Loan Guidelines, if loans are adopted by the Employer. Participants can request loans through the participant website.
- (o) Guided Pathways Advisory Services – MissionSquare's participant advice service, "Fund Advice" may be made available through a third-party vendor on the terms specified on MissionSquare's website.
- (p) MissionSquare will determine appropriate delivery method (electronic and/or print) for plan sponsor/participant communications and education based on a number of factors (audience, effectiveness, etc.).

COUNCIL COMMUNICATION

Meeting Date: 12/02/2021

Item Title: Retail Liquor Certificate of Compliance – Big Pig’s Wine & Spirits

Department: Finance

Presented by: Jennifer Brown

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

Information pertaining to the issuance of a certificate of compliance for a retail liquor store.

Background Information

State law requires that an applicant for retail liquor stores obtain a certificate of compliance from the local jurisdiction to be submitted to the Tennessee Alcoholic Beverage Commission as part of the Commission’s licensing process. Compliance for the certificate is based only on the applicant’s criminal background information and that the location complies with local zoning ordinances and distance requirements.

A certificate of compliance is requested by Shiv N. Patel for the Big Pig’s Wine & Spirits at 3921 Franklin Rd. Stes. B, C, & D, which is a new location for retail liquor store. This request complies with statutory requirements.

Council Priorities Served

Maintain public safety

The City’s role in issuing a Certificate of Good Moral Character allows the City to be aware of locations that would like to operate as a retail liquor store, to review zoning restrictions, review applicant background issues, and check for past problems with following City Code.

Attachments

Summary of Request for Certificate of Compliance for Retail Liquor Store

City of Murfreesboro

Request for Certificate of Compliance for Retail Liquor Store

Summary of information from the application:

Owners/Partners/Stockholders/Officers:

Name	Shiv N. Patel
Age	21
Home Address	1904 Marylake Way
Residency City/State	Murfreesboro, TN 37128
Race/Sex	Asian/M
Background Check Findings:	
City of Murfreesboro:	None
Rutherford County:	None
Nashville Criminal Court:	None
TBI:	None

Name of Business	Big Pig's Wine & Spirits
Business Location	3921 Franklin Rd. Stes. B, C, & D

Type of Application:

New Location	<input checked="" type="checkbox"/>
Ownership Change	<input type="checkbox"/>
Name Change	<input type="checkbox"/>
Corporation	<input type="checkbox"/>
Partnership	<input type="checkbox"/>
LLC	<input checked="" type="checkbox"/>
Sole Proprietor	<input type="checkbox"/>

Application Completed Properly?	Yes
Application Completion Date:	11/18/2021

The actual application is available in the office of the City Recorder.

COUNCIL COMMUNICATION

Meeting Date: 12/02/2021

Item Title: Retail Liquor Certificate of Compliance – Gateway Wine & Spirits

Department: Finance

Presented by: Jennifer Brown

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

Information pertaining to the issuance of a certificate of compliance for a retail liquor store.

Background Information

State law requires that an applicant for retail liquor stores obtain a certificate of compliance from the local jurisdiction to be submitted to the Tennessee Alcoholic Beverage Commission as part of the Commission's licensing process. Compliance for the certificate is based only on the applicant's criminal background information and that the location complies with local zoning ordinances and distance requirements.

A certificate of compliance is requested by Mukesh Chaudhary for the Gateway Wine & Spirits at 3119 Medical Center Pkwy. Ste. A5, which is a new location for retail liquor store. This request complies with statutory requirements.

Council Priorities Served

Maintain public safety

The City's role in issuing a Certificate of Good Moral Character allows the City to be aware of locations that would like to operate as a retail liquor store, to review zoning restrictions, review applicant background issues, and check for past problems with following City Code.

Attachments

Summary of Request for Certificate of Compliance for Retail Liquor Store

City of Murfreesboro

Request for Certificate of Compliance for Retail Liquor Store

Summary of information from the application:

Owners/Partners/Stockholders/Officers:

Name	Mukesh Chaudhary
Age	41
Home Address	1813 Sanctuary Place
Residency City/State	Murfreesboro, TN 37128
Race/Sex	Asian/M
Background Check Findings:	
City of Murfreesboro:	None
Rutherford County:	None
Nashville Criminal Court:	None
TBI:	None

Name of Business	Gateway Wine & Spirits
Business Location	3119 Medical Center Pkwy Ste A5

Type of Application:

New Location	<input checked="" type="checkbox"/>
Ownership Change	<input type="checkbox"/>
Name Change	<input type="checkbox"/>

Corporation	<input checked="" type="checkbox"/>
Partnership	<input type="checkbox"/>
LLC	<input type="checkbox"/>
Sole Proprietor	<input type="checkbox"/>

Application Completed Properly?	Yes
Application Completion Date:	11/18/2021

The actual application is available in the office of the City Recorder.

COUNCIL COMMUNICATION

Meeting Date: 12/02/2021

Item Title: ESRI GIS Software Three-Year Agreement

Department: GIS

Presented by: Gerald B Lee II

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

Renew existing ESRI GIS Agreement for three years (2022-2025).

Staff Recommendation

Approve renewal of the ESRI GIS Software Agreement.

Background Information

The City uses ESRI GIS Software for creating & maintaining mapping information products & applications. Mapping software is heavily used by most of the City's departments. The system provides a vast amount of information that extends far beyond mere mapping software and services as a critical part of the City's software infrastructure.

Council Priorities Served

Responsible budgeting

Utilizing and comprehensive mapping enterprise-wide system that also provides geographic and demographic information and links to important property information allows the City to avoid the cost of purchasing and maintaining several separate systems for the City's various departmental needs.

Maintain Public Safety

Maintaining addresses, streets, subdivisions, City boundaries, and public safety response zones ensures Police and Fire Rescue Departments' response is accurate and efficient.

Fiscal Impact

The expenditure for the three-year agreement, \$364,500, will be split equally between the General Fund and MWRD and budgeted annually. The annual expense, \$121,500, is funded by the operating budgets of these funds.

Attachments

Small Enterprise Agreement, County and Municipal Governments, with Environmental Systems Research Institute, Inc. (ESRI)



Environmental Systems Research Institute, Inc.
380 New York St
Redlands, CA 92373-8100
Phone: (909) 793-2853 Fax: (909) 307-3049
DUNS Number: 06-313-4175 CAGE Code: 0AMS3

*To expedite your order, please attach a copy of
this quotation to your purchase order.
Quote is valid from: 10/21/2021 To: 1/19/2022*

Quotation # Q-435213

Date: October 21, 2021

Customer # 147393 Contract #

City of Murfreesboro
GIS Dept
111 W Vine St
Murfreesboro, TN 37130-3573

ATTENTION: Gerald Lee
PHONE: (629) 201-6200
EMAIL: glee@murfreesborotn.gov

Material	Qty	Term	Unit Price	Total
168181	1	Year 1	\$110,000.00	\$110,000.00
Populations of 125,001-150,000 Small Government Term Enterprise License Agreement				
168181	1	Year 2	\$110,000.00	\$110,000.00
Populations of 125,001-150,000 Small Government Term Enterprise License Agreement				
168181	1	Year 3	\$110,000.00	\$110,000.00
Populations of 125,001-150,000 Small Government Term Enterprise License Agreement				
168443	1	Year 1	\$11,000.00	\$11,000.00
ArcGIS GeoEvent Server Populations of 125,001-150,000 Small Government Term Enterprise Agreement				
168443	1	Year 2	\$11,000.00	\$11,000.00
ArcGIS GeoEvent Server Populations of 125,001-150,000 Small Government Term Enterprise Agreement				
168443	1	Year 3	\$11,000.00	\$11,000.00
ArcGIS GeoEvent Server Populations of 125,001-150,000 Small Government Term Enterprise Agreement				
143589	1	Year 1	\$500.00	\$500.00
Small Enterprise License Agreement or Nonprofit Program Domestic Technical Support One Additional Contact				

Esri may charge a fee to cover expenses related to any customer requirement to use a proprietary vendor management, procurement, or invoice program.

For questions contact:
Tim Poe

Email:
tpoe@esri.com

Phone:
(909) 793-2853 x3917

The items on this quotation are subject to and governed by the terms of this quotation, the most current product specific scope of use document found at <https://assets.esri.com/content/dam/esrisites/media/legal/product-specific-terms-of-use/e300.pdf>, and your applicable signed agreement with Esri. If no such agreement covers any item quoted, then Esri's standard terms and conditions found at <https://go.esri.com/MAPS> apply to your purchase of that item. If any item is quoted with a multi-year payment schedule, then unless otherwise stated in this quotation, Customer is required to make all payments without right of cancellation. Third-party data sets included in a quotation as separately licensed items will only be provided and invoiced if Esri is able to provide such data and will be subject to the applicable third-party's terms and conditions. If Esri is unable to provide any such data set, Customer will not be responsible for any further payments for the data set. Federal government entities and government prime contractors authorized under FAR 51.1 may purchase under the terms of Esri's GSA Federal Supply Schedule. Supplemental terms and conditions found at <https://www.esri.com/en-us/legal/terms/state-supplemental> apply to some state and local government purchases. All terms of this quotation will be incorporated into and become part of any additional agreement regarding Esri's offerings. Acceptance of this quotation is limited to the terms of this quotation. Esri objects to and expressly rejects any different or additional terms contained in any purchase order, offer, or confirmation sent to or to be sent by buyer. Unless prohibited by law, the quotation information is confidential and may not be copied or released other than for the express purpose of system selection and purchase/license. The information may not be given to outside parties or used for any other purpose without consent from Esri. Delivery is FOB Origin.

POET

This offer is limited to the terms and conditions incorporated and attached herein.



Environmental Systems Research Institute, Inc.
380 New York St
Redlands, CA 92373-8100
Phone: (909) 793-2853 Fax: (909) 307-3049
DUNS Number: 06-313-4175 CAGE Code: 0AMS3

*To expedite your order, please attach a copy of
this quotation to your purchase order.
Quote is valid from: 10/21/2021 To: 1/19/2022*

Quotation # Q-435213

Date: October 21, 2021

Customer # 147393 Contract #

City of Murfreesboro
GIS Dept
111 W Vine St
Murfreesboro, TN 37130-3573

ATTENTION: Gerald Lee
PHONE: (629) 201-6200
EMAIL: glee@murfreesborotn.gov

Material	Qty	Term	Unit Price	Total
143589	1	Year 2	\$500.00	\$500.00
Small Enterprise License Agreement or Nonprofit Program Domestic Technical Support One Additional Contact				
143589	1	Year 3	\$500.00	\$500.00
Small Enterprise License Agreement or Nonprofit Program Domestic Technical Support One Additional Contact				

Subtotal:	\$364,500.00
Sales Tax:	\$0.00
Estimated Shipping and Handling (2 Day Delivery):	\$0.00
Contract Price Adjust:	\$0.00
Total:	\$364,500.00

Esri may charge a fee to cover expenses related to any customer requirement to use a proprietary vendor management, procurement, or invoice program.

For questions contact:
Tim Poe

Email:
tpoe@esri.com

Phone:
(909) 793-2853 x3917

The items on this quotation are subject to and governed by the terms of this quotation, the most current product specific scope of use document found at <https://assets.esri.com/content/dam/esrisites/media/legal/product-specific-terms-of-use/e300.pdf>, and your applicable signed agreement with Esri. If no such agreement covers any item quoted, then Esri's standard terms and conditions found at <https://go.esri.com/MAPS> apply to your purchase of that item. If any item is quoted with a multi-year payment schedule, then unless otherwise stated in this quotation, Customer is required to make all payments without right of cancellation. Third-party data sets included in a quotation as separately licensed items will only be provided and invoiced if Esri is able to provide such data and will be subject to the applicable third-party's terms and conditions. If Esri is unable to provide any such data set, Customer will not be responsible for any further payments for the data set. Federal government entities and government prime contractors authorized under FAR 51.1 may purchase under the terms of Esri's GSA Federal Supply Schedule. Supplemental terms and conditions found at <https://www.esri.com/en-us/legal/terms/state-supplemental> apply to some state and local government purchases. All terms of this quotation will be incorporated into and become part of any additional agreement regarding Esri's offerings. Acceptance of this quotation is limited to the terms of this quotation. Esri objects to and expressly rejects any different or additional terms contained in any purchase order, offer, or confirmation sent to or to be sent by buyer. Unless prohibited by law, the quotation information is confidential and may not be copied or released other than for the express purpose of system selection and purchase/license. The information may not be given to outside parties or used for any other purpose without consent from Esri. Delivery is FOB Origin.

POET

This offer is limited to the terms and conditions incorporated and attached herein.

Esri Use Only:

Cust. Name _____
 Cust. # _____
 PO # _____
 Esri Agreement # _____



**SMALL ENTERPRISE AGREEMENT
 COUNTY AND MUNICIPALITY GOVERNMENT
 (E214-5)**

This Agreement is by and between the organization identified in the Quotation ("Customer") and **Environmental Systems Research Institute, Inc. ("Esri")**.

This Agreement sets forth the terms for Customer's use of Products and incorporates by reference (i) the Quotation and (ii) the Master Agreement. Should there be any conflict between the terms and conditions of the documents that comprise this Agreement, the order of precedence for the documents shall be as follows: (i) the Quotation, (ii) this Agreement, and (iii) the Master Agreement. This Agreement shall be governed by and construed in accordance with the laws of the state in which Customer is located without reference to conflict of laws principles, and the United States of America federal law shall govern in matters of intellectual property. The modifications and additional rights granted in this Agreement apply only to the Products listed in Table A.

**Table A
 List of Products**

Uncapped Quantities**Desktop Software and Extensions (Single Use)**

ArcGIS Desktop Advanced
 ArcGIS Desktop Standard
 ArcGIS Desktop Basic
 ArcGIS Desktop Extensions: ArcGIS 3D Analyst,
 ArcGIS Spatial Analyst, ArcGIS Geostatistical Analyst,
 ArcGIS Publisher, ArcGIS Network Analyst, ArcGIS
 Schematics, ArcGIS Workflow Manager, ArcGIS Data
 Reviewer

Enterprise Software and Extensions

ArcGIS Enterprise and Workgroup
 (Advanced and Standard)
 ArcGIS Monitor
 ArcGIS Enterprise Extensions: ArcGIS 3D Analyst,
 ArcGIS Spatial Analyst, ArcGIS Geostatistical Analyst,
 ArcGIS Network Analyst, ArcGIS Schematics, ArcGIS
 Workflow Manager

Enterprise Additional Capability Servers

ArcGIS Image Server

Developer Tools

ArcGIS Engine
 ArcGIS Engine Extensions: ArcGIS 3D Analyst, ArcGIS
 Spatial Analyst, ArcGIS Engine Geodatabase Update,
 ArcGIS Network Analyst, ArcGIS Schematics
 ArcGIS Runtime (Standard)
 ArcGIS Runtime Analysis Extension

Limited Quantities

One (1) Professional subscription to ArcGIS Developer
 Two (2) ArcGIS CityEngine Single Use Licenses
 1,000 ArcGIS Online Viewers
 1,000 ArcGIS Online Creators
 110,000 ArcGIS Online Service Credits
 1,000 ArcGIS Enterprise Creators
 10 ArcGIS Insights in ArcGIS Enterprise
 10 ArcGIS Insights in ArcGIS Online
 100 ArcGIS Tracker for ArcGIS Enterprise
 100 ArcGIS Tracker for ArcGIS Online
 6 ArcGIS Parcel Fabric User Type Extensions (Enterprise)
 6 ArcGIS Utility Network User Type Extensions (Enterprise)
 6 ArcGIS Trace Network User Type Extensions (Enterprise)

OTHER BENEFITS

Number of Esri User Conference registrations provided annually	4
Number of Tier 1 Help Desk individuals authorized to call Esri	4
Maximum number of sets of backup media, if requested*	2
Five percent (5%) discount on all individual commercially available instructor-led training classes at Esri facilities purchased outside this Agreement	

*Additional sets of backup media may be purchased for a fee

Customer may accept this Agreement by signing and returning the whole Agreement with (i) the Quotation attached, (ii) a purchase order, or (iii) another document that matches the Quotation and references this Agreement ("Ordering Document"). **ADDITIONAL OR CONFLICTING TERMS IN CUSTOMER'S PURCHASE ORDER OR OTHER DOCUMENT WILL NOT APPLY, AND THE TERMS OF THIS AGREEMENT WILL GOVERN.** This Agreement is effective as of the date of Esri's receipt of an Ordering Document, unless otherwise agreed to by the parties ("Effective Date").

Term of Agreement: Three (3) years

This Agreement supersedes any previous agreements, proposals, presentations, understandings, and arrangements between the parties relating to the licensing of the Products. Except as provided in Article 4—Product Updates, no modifications can be made to this Agreement.

Accepted and Agreed:

(Customer)

By: _____
Authorized Signature

Printed Name: _____

Title: _____

Date: _____

CUSTOMER CONTACT INFORMATION

Contact: Gerald B. Lee II

Telephone: 615-893-6441

Address: 111 W VINE ST

Fax: 615-849-2604

City, State, Postal Code: Mempho, TN 37130

E-mail: glee@murfreesborotn.gov

Country: USA

Quotation Number (if applicable): Q-43523

1.0—ADDITIONAL DEFINITIONS

In addition to the definitions provided in the Master Agreement, the following definitions apply to this Agreement:

"Case" means a failure of the Software or Online Services to operate according to the Documentation where such failure substantially impacts operational or functional performance.

"Deploy", "Deployed" and "Deployment" mean to redistribute and install the Products and related Authorization Codes within Customer's organization(s).

"Fee" means the fee set forth in the Quotation.

"Maintenance" means Tier 2 Support, Product updates, and Product patches provided to Customer during the Term of Agreement.

"Master Agreement" means the applicable master agreement for Esri Products incorporated by this reference that is (i) found at <https://www.esri.com/en-us/legal/terms/full-master-agreement> and available in the installation process requiring acceptance by electronic acknowledgment or (ii) a signed Esri master agreement or license agreement that supersedes such electronically acknowledged master agreement.

"Product(s)" means the products identified in Table A—List of Products and any updates to the list Esri provides in writing.

"Quotation" means the offer letter and quotation provided separately to Customer.

"Technical Support" means the technical assistance for attempting resolution of a reported Case through error correction, patches, hot fixes, workarounds, replacement deliveries, or any other type of Product corrections or modifications.

"Tier 1 Help Desk" means Customer's point of contact(s) to provide all Tier 1 Support within Customer's organization(s).

"Tier 1 Support" means the Technical Support provided by the Tier 1 Help Desk.

"Tier 2 Support" means the Esri Technical Support provided to the Tier 1 Help Desk when a Case cannot be resolved through Tier 1 Support.

2.0—ADDITIONAL GRANT OF LICENSE

2.1 Grant of License. Subject to the terms and conditions of this Agreement, Esri grants to Customer a personal, nonexclusive, nontransferable license solely to use, copy, and Deploy quantities of the Products listed in Table A—List of Products for the Term of Agreement (i) for the applicable Fee and (ii) in accordance with the Master Agreement.

2.2 Consultant Access. Esri grants Customer the right to permit Customer's consultants or contractors to use the Products exclusively for Customer's benefit. Customer will be solely responsible for compliance by consultants and contractors with this Agreement and will ensure that the consultant or contractor discontinues use of Products upon completion of work for Customer. Access to or use of Products by consultants or contractors not exclusively for Customer's benefit is prohibited. Customer may not permit its consultants or contractors to install Software or Data on consultant, contractor, or third-party computers or remove Software or Data from Customer locations, except for the purpose of hosting the Software or Data on Contractor servers for the benefit of Customer.

3.0—TERM, TERMINATION, AND EXPIRATION

3.1 Term. This Agreement and all licenses hereunder will commence on the Effective Date and continue for the duration identified in the Term of Agreement, unless this Agreement is terminated earlier as provided herein. Customer is only authorized to use Products during the Term of Agreement. For an Agreement with a limited term, Esri does not grant Customer an indefinite or a perpetual license to Products.

3.2 No Use upon Agreement Expiration or Termination. All Product licenses, all Maintenance, and Esri User Conference registrations terminate upon expiration or termination of this Agreement.

3.3 Termination for a Material Breach. Either party may terminate this Agreement for a material breach by the other party. The breaching party will have thirty (30) days from the date of written notice to cure any material breach.

3.4 Termination for Lack of Funds. For an Agreement with government or government-

owned entities, either party may terminate this Agreement before any subsequent year if Customer is unable to secure funding through the legislative or governing body's approval process.

- 3.5 Follow-on Term.** If the parties enter into another agreement substantially similar to this Agreement for an additional term, the effective date of the follow-on agreement will be the day after the expiration date of this Agreement.

4.0—PRODUCT UPDATES

- 4.1 Future Updates.** Esri reserves the right to update the list of Products in Table A—List of Products by providing written notice to Customer. Customer may continue to use all Products that have been Deployed, but support and upgrades for deleted items may not be available. As new Products are incorporated into the standard program, they will be offered to Customer via written notice for incorporation into the Products schedule at no additional charge. Customer's use of new or updated Products requires Customer to adhere to applicable additional or revised terms and conditions in the Master Agreement.

- 4.2 Product Life Cycle.** During the Term of Agreement, some Products may be retired or may no longer be available to Deploy in the identified quantities. Maintenance will be subject to the individual Product Life Cycle Support Status and Product Life Cycle Support Policy, which can be found at <https://support.esri.com/en/other-resources/product-life-cycle>. Updates for Products in the mature and retired phases may not be available. Customer may continue to use Products already Deployed, but Customer will not be able to Deploy retired Products.

5.0—MAINTENANCE

The Fee includes standard maintenance benefits during the Term of Agreement as specified in the most current applicable Esri Maintenance and Support Program document (found at <https://www.esri.com/en-us/legal/terms/maintenance>). At Esri's sole discretion, Esri may make patches, hot fixes, or updates available for download. No Software other

than the defined Products will receive Maintenance. Customer may acquire maintenance for other Software outside this Agreement.

a. Tier 1 Support

1. Customer will provide Tier 1 Support through the Tier 1 Help Desk to all Customer's authorized users.
2. The Tier 1 Help Desk will be fully trained in the Products.
3. At a minimum, Tier 1 Support will include those activities that assist the user in resolving how-to and operational questions as well as questions on installation and troubleshooting procedures.
4. The Tier 1 Help Desk will be the initial point of contact for all questions and reporting of a Case. The Tier 1 Help Desk will obtain a full description of each reported Case and the system configuration from the user. This may include obtaining any customizations, code samples, or data involved in the Case.
5. If the Tier 1 Help Desk cannot resolve the Case, an authorized Tier 1 Help Desk individual may contact Tier 2 Support. The Tier 1 Help Desk will provide support in such a way as to minimize repeat calls and make solutions to problems available to Customer's organization.
6. Tier 1 Help Desk individuals are the only individuals authorized to contact Tier 2 Support. Customer may change the Tier 1 Help Desk individuals by written notice to Esri.

b. Tier 2 Support

1. Tier 2 Support will log the calls received from Tier 1 Help Desk.
2. Tier 2 Support will review all information collected by and received from the Tier 1 Help Desk including preliminary documented troubleshooting provided by the Tier 1 Help Desk when Tier 2 Support is required.
3. Tier 2 Support may request that Tier 1 Help Desk individuals provide verification of information, additional information, or answers to additional questions to

supplement any preliminary information gathering or troubleshooting performed by Tier 1 Help Desk.

4. Tier 2 Support will attempt to resolve the Case submitted by Tier 1 Help Desk.
5. When the Case is resolved, Tier 2 Support will communicate the information to Tier 1 Help Desk, and Tier 1 Help Desk will disseminate the resolution to the user(s).

6.0—ENDORSEMENT AND PUBLICITY

This Agreement will not be construed or interpreted as an exclusive dealings agreement or Customer's endorsement of Products. Either party may publicize the existence of this Agreement.

7.0—ADMINISTRATIVE REQUIREMENTS

7.1 OEM Licenses. Under Esri's OEM or Solution OEM programs, OEM partners are authorized to embed or bundle portions of Esri products and services with their application or service. OEM partners' business model, licensing terms and conditions, and pricing are independent of this Agreement. Customer will not seek any discount from the OEM partner or Esri based on the availability of Products under this Agreement. Customer will not decouple Esri products or services from the OEM partners' application or service.

7.2 Annual Report of Deployments. At each anniversary date and ninety (90) calendar days prior to the expiration of this Agreement, Customer will provide Esri with a written report detailing all Deployments. Upon request, Customer will provide records sufficient to verify the accuracy of the annual report.

8.0—ORDERING, ADMINISTRATIVE PROCEDURES, DELIVERY, AND DEPLOYMENT

8.1 Orders, Delivery, and Deployment

- a. Upon the Effective Date, Esri will invoice Customer and provide Authorization Codes to activate the nondestructive copy protection program that enables Customer to download,

operate, or allow access to the Products. If this is a multi-year Agreement, Esri may invoice the Fee up to thirty (30) calendar days before the annual anniversary date for each year.

- b. Undisputed invoices will be due and payable within thirty (30) calendar days from the date of invoice. Esri reserves the right to suspend Customer's access to and use of Products if Customer fails to pay any undisputed amount owed on or before its due date. Esri may charge Customer interest at a monthly rate equal to the lesser of one percent (1.0%) per month or the maximum rate permitted by applicable law on any overdue fees plus all expenses of collection for any overdue balance that remains unpaid ten (10) days after Esri has notified Customer of the past-due balance.
- c. Esri's federal ID number is 95-2775-732.
- d. If requested, Esri will ship backup media to the ship-to address identified on the Ordering Document, FOB Destination, with shipping charges prepaid. Customer acknowledges that should sales or use taxes become due as a result of any shipments of tangible media, Esri has a right to invoice and Customer will pay any such sales or use tax associated with the receipt of tangible media.

8.2 Order Requirements. Esri does not require Customer to issue a purchase order. Customer may submit a purchase order in accordance with its own process requirements, provided that if Customer issues a purchase order, Customer will submit its initial purchase order on the Effective Date. If this is a multi-year Agreement, Customer will submit subsequent purchase orders to Esri at least thirty (30) calendar days before the annual anniversary date for each year.

- a. All orders pertaining to this Agreement will be processed through Customer's centralized point of contact.
- b. The following information will be included in each Ordering Document:
 - (1) Customer name; Esri customer number, if known; and bill-to and ship-to addresses
 - (2) Order number
 - (3) Applicable annual payment due

9.0—MERGERS, ACQUISITIONS, OR DIVESTITURES

If Customer is a commercial entity, Customer will notify Esri in writing in the event of (i) a consolidation, merger, or reorganization of Customer with or into another corporation or entity; (ii) Customer's acquisition of another entity; or (iii) a transfer or sale of all or part of Customer's organization (subsections i, ii, and iii, collectively referred to as "**Ownership Change**"). There will be no decrease in Fee as a result of any Ownership Change.

9.1 If an Ownership Change increases the cumulative program count beyond the maximum level for this Agreement, Esri reserves the right to increase the Fee or terminate this Agreement and the parties will negotiate a new agreement.

9.2 If an Ownership Change results in transfer or sale of a portion of Customer's organization, that portion of Customer's organization will transfer the Products to Customer or uninstall, remove, and destroy all copies of the Products.

9.3 This Agreement may not be assigned to a successor entity as a result of an Ownership Change unless approved by Esri in writing in advance. If the assignment to the new entity is not approved, Customer will require any successor entity to uninstall, remove, and destroy the Products. This Agreement will terminate upon such Ownership Change.