
M E M O R A N D U M

Rutherford County Regional Planning Commission

DATE: August 26, 2016
TO: Rutherford County Public Works Committee and Board of Commissioners
FROM: Rutherford County Regional Planning Commission
RE: Rutherford County Regional Planning Commission Activity Report

The following application was considered at the Planning Commission's July 11, 2016 meeting but was removed from the Board of Commissioners' August 11, 2016 agenda at the request of the applicant:

- A. Eddie Smotherman (16-A012)
Motion to Recommend DENIAL (8 For, 2 Against)
Location: 10215 Midland Road
Commissioner District: 8 (Pettus Read)
Size of Site: Approximately 62 acres
Tax Map: 183, Parcels: 6.02, 6.03 and 6.17
Existing Zoning: Residential Low-Density (RL)
Proposed Zoning: Planned Unit Development (PUD) – Residential Subdivision

The applicant has requested that his application be placed on the September 15, 2016 Board of Commissioners agenda.

In addition, the following plans and plats were approved at the Planning Commission's August 22, 2016 meeting:

Lewis Downs, Section 4 Preliminary Plan (16-1014)	Site Details: Applicant: Location:	22 lots on approximately 10 acres, zoned RM Stewart Springs, LLC Off of Rock Springs Midland Road
Bruce W. Gum Road Subdivision Final Plat (15-2047)	Site Details: Applicant: Location:	2 lots on 5.01 acres, zoned RM – included a fire hydrant waiver Don Bruce West Gum Road
CreeksBend, Section I, Phase IV Final Plat (16-2053)	Site Details: Applicant: Location:	6 lots on 3.83 acres, zoned RM – included a fire hydrant waiver Silverhill Partners, LLC West of Old Lebanon Road
CreeksBend, Section I, Phase V Final Plat (16-2052)	Site Details: Applicant: Location:	26 lots on 14.05 acres, zoned RM – included a fire hydrant waiver Silverhill Partners, LLC West of Old Lebanon Road

South Haven, Section 2
Final Plat (16-2054)

Site Details:
Applicant:
Location:

44 lots (41 buildable) on 11.69 acres, zoned PUD
South Haven Development Group, LLC
Ocala Road

Rutherford County Regional Planning Commission Staff Report

Board of Commissioners Meeting Date: September 15, 2016

Note: Changes to the Staff Report made after the Planning Commission's meeting are **bolded and italicized**.

Case Number: 16-A012

Staff Recommendation: **NEUTRAL/RESERVED**

PC Recommendation: **DENIAL (8 For, 2 Against)**

Request by: Eddie Smotherman

Property Address: 10215 Midland Road

Commission District: 8 – Pettus Read

Urban Growth Boundary: Rural Area

Applicant Request

Rezoning from Residential Low-Density (RL) to Planned Unit Development (PUD)

Purpose of District

The Planned Unit Development District (PUD) is a distinct zoning district which is intended to encourage innovative land planning and design and avoid the monotony sometimes associated with large developments. Further information on the purpose of this district can be found in Section 901 of the Rutherford County Zoning Ordinance.

Site Characteristics

Current Zoning: RL

Current Use: Vacant/Agricultural

Adjacent Uses: Single-Family Residential to the north and northwest. Vacant/agricultural to the east and west. Agricultural/residential to the south.

Adjacent Zoning: RL on all sides. Property to the south is located in Bedford County, which is zoned A-1 (Minimum 1-acre lot size)

Size of Tract: Approximately 62 ½ acres

Comprehensive Plan

The Rutherford County Comprehensive Plan classifies this property as being located within Rural Character Area. Recommended residential density for the Rural Character Area is 1 residential unit/acre. Jackson Ridge Road is also identified as an Urban Corridor by the Plan.

Proposal supported by Comprehensive Plan

Although the proposed density of the project is 1.86 units per acre, it was understood by Staff and the Planning Commission that there would be pockets in the Rural Area that had infrastructure to accommodate denser developments. The Zoning Ordinance makes provisions for such developments. It is Staff's opinion that the single-family character of the development along with the proposed open space is consistent with the goals found in the Plan.

Infrastructure

Roads: Midland Road is a 2-lane, ditch-section road that has 50 feet of right-of-way. The County's Long Range Transportation Plan shows this section of Midland Road to be

scheduled for safety improvements, which can include adding shoulders, improving pavement conditions or site distance issues, etc. There appears to be adequate right-of-way to make this improvement. There is a traffic count located approximately 2/3 of a mile to the north of the property along Midland Road that shows a 2015 count of 662 vehicles per day according to TDOT counts.

Utilities: According to information from Consolidated Utility District (CUD), there is an existing 6-inch water line located along Midland Road as it fronts the subject property. The attached map shows existing water lines in the area of the subject property. Staff has also included a copy of the Will-Serve Letter from CUD regarding this development.

Fire Protection: The closest fire hydrant is located at the intersection of Midland Fosterville Road and Midland Trail (Red Top), approximately one mile from the subject property. The applicant is requesting to use residential sprinkler systems in the development, as CUD has indicated that the water lines are not sufficient to provide fire protection consistent with County requirements. That being said, Staff understands that conversations are taking place between the applicant and CUD to determine what improvements would have to be made in order to provide fire hydrants to the development. Staff will provide an update when more information is made available to us.

Mr. Bill Dunnill with CUD made a presentation during the public hearing regarding water availability and improvements in the area. Recent water line upgrades and the construction of a new water storage tank have increased the ability to provide fire protection for this area. That being said, without upgrading the water line from Midland Fosterville Road to the subject property, this development will still need to be served with residential sprinkler systems.

Stormwater: Portions of the property are located within the 100-year flood zone, as delineated by the Federal Emergency Management Agency (FEMA). The applicant will need to work closely with Engineering Staff to ensure that a stormwater management system is designed to provide water quality and quantity control for any new improvements.

Schools: Staff has sent a copy of the pattern book to the County Schools Central Office for their comments. Staff will relay any comments received to the Planning Commission.

Background/Proposal Details

Background/Proposed Use: The subject properties were approved for a conditional use permit (CUP) for a Planned Residential Development (PRD) by the Board of Commissioners (BOC) in October of 2007. An amendment to the original approval, regarding low-flow stub-outs for future hydrant installation, was approved by the BOC in February of 2008. Copies of both of the CUPs are included with your agenda materials. A preliminary plat was approved by the Planning Commission at their April 14, 2008 meeting. No final plat was ever received for the development and the preliminary plat approval was extended

several times. The applicant asked for an additional extension in January of 2016 but was denied by the Planning Commission. The applicant met with Staff and discussed some changes they desired to make to the original application. Staff advised the applicant at that time that a new PUD application would be in order, based on the current zoning regulations.

The layout of the proposed application is very similar to the original application, but does include a second access point to Midland Road, whereas the original did not. The current proposal also has 10 less lots than the original did. Minimum lot size is proposed to be 10,000 square feet. **Homes will range in size from 1,600 and up and will be built with a minimum of 75 percent masonry materials, such as brick, stone, stucco and cement board siding.** Vinyl siding will also be allowed. More specific details can be found in the pattern book (Separate attachment).

Access & Parking: There are two access roads proposed for the development onto Midland Road. The concept plan in the pattern book does not show any stub-outs to adjacent property, but Staff is of the opinion that practically speaking, the stub-outs would not provide much benefit in this situation. The stub-out to the west would be through the open space/STEP area. The connection to the south would be to property in Bedford County and outside of any control of Rutherford County's regulations. The tract to the north is already developed as a single-family home and does not appear to lend itself to any future development.

Staff has requested that the developer submit a traffic study to determine if any road or intersection improvements are needed due to this development. Staff has instructed the applicant to look specifically at the intersection of Midland Road and Midland Fosterville Road to see what impact this development would have.

Findings from the traffic study were presented at the Planning Commission's July 11, 2016 meeting. The study found that even if the traffic along Midland Road were doubled the road will still function at a very high level.

Landscaping: A copy of the pattern book was sent to the Bedford County Planning and Codes Department for their review, since the property abuts the both Rutherford and Bedford Counties. A copy of the director's e-mail is attached with this Staff Report. His concerns are for possible buffering along the shared County Boundary line. The Rutherford County Zoning Ordinance would not typically require buffering between properties zoned for single-family use and agricultural use. Conversations with the applicant indicate that the A-1 district in Bedford County have a minimum lot size of one acre, similar to the current RL zoning for the property.

The neighbor along the north side of the property had some concerns about the lack of buffering along their property line. The applicant agreed to place a tree buffer along the northern entrance drive within the open space to address those concerns.

Performance Standards: Section 1106 of the Zoning Ordinance creates performance standards for noise, dust, odor and hazardous materials that commercial or industrial activities must be able to meet. Since this is a residential development, the performance standards do not apply.

Staff/Planning Commission Recommendation

While generally comfortable with the request, Staff is reserving its recommendation at this time pending the outcome of receiving additional information on possible water line improvements and the results of the traffic study. ***While the traffic study has been received and it appears at this time that the applicant plans to request the use of residential sprinkler systems, Staff is maintaining its Neutral/Reserved recommendation.***

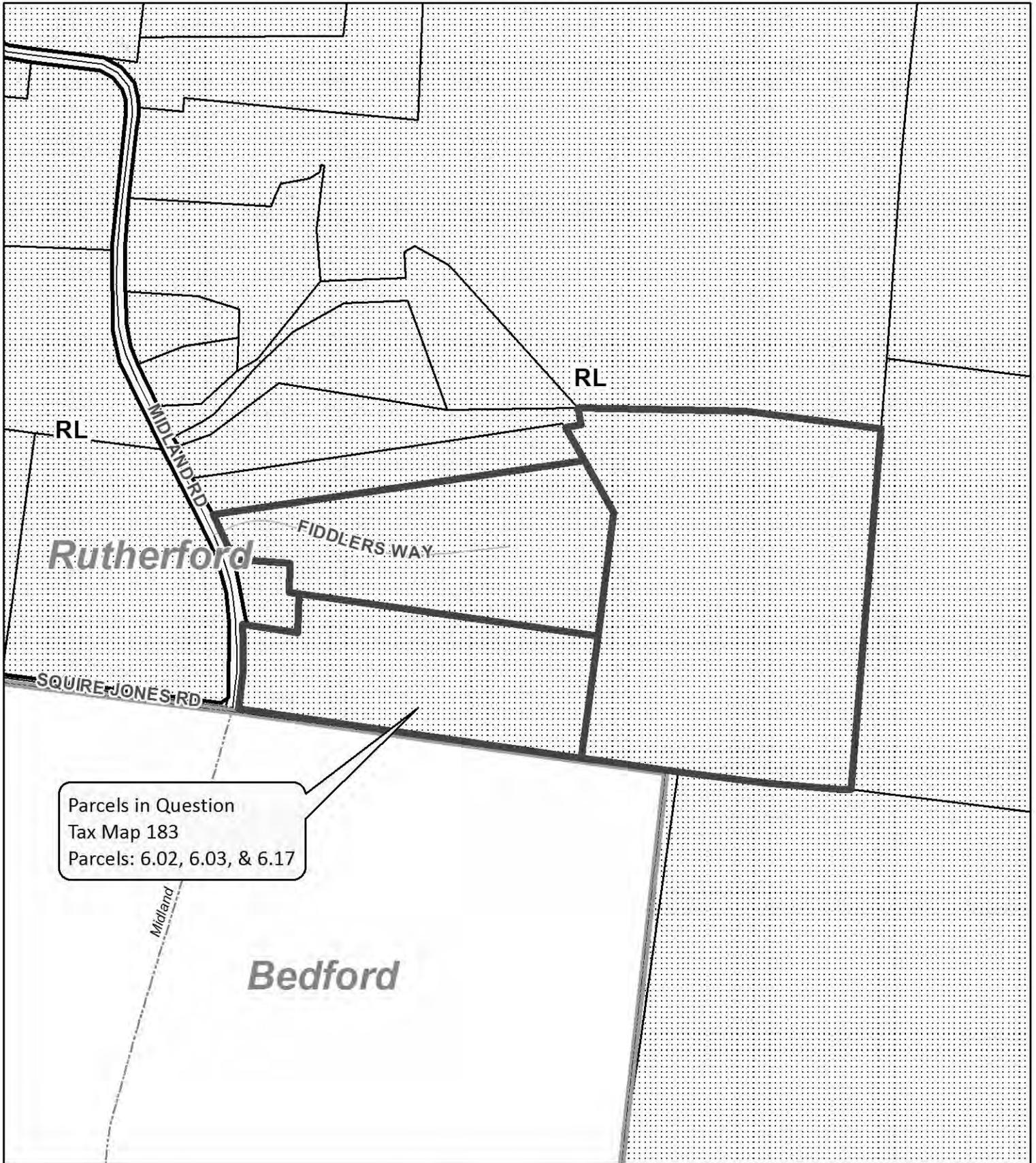
There were several people who spoke at the public hearing on this application. Most of the concerns raised were in relation to the flooding/drainage on the property, traffic concerns, water availability and smaller lot sizes. Mr. Bill Dunnill spoke in regards to the water infrastructure improvements and the impact it would have along Midland Road.

When the motion was made to recommend denial, some of the concerns raised included the density of a development this far out in the rural part of the County, better infrastructure, and possible lack of police patrols. The motion passed by a vote of 8 for and 2 against.

Attachments

Zoning Map
Aerial Map
Water Line Map and Will Serve Letter from CUD
Traffic Count Map
Original approved CUPs
E-mail from Chris White, Director of Bedford County Planning, Zoning and Building Codes
Pattern Book (Separate Attachment)

16-A012



Parcels in Question
Tax Map 183
Parcels: 6.02, 6.03, & 6.17

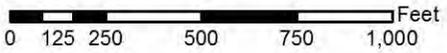
Midland

Bedford

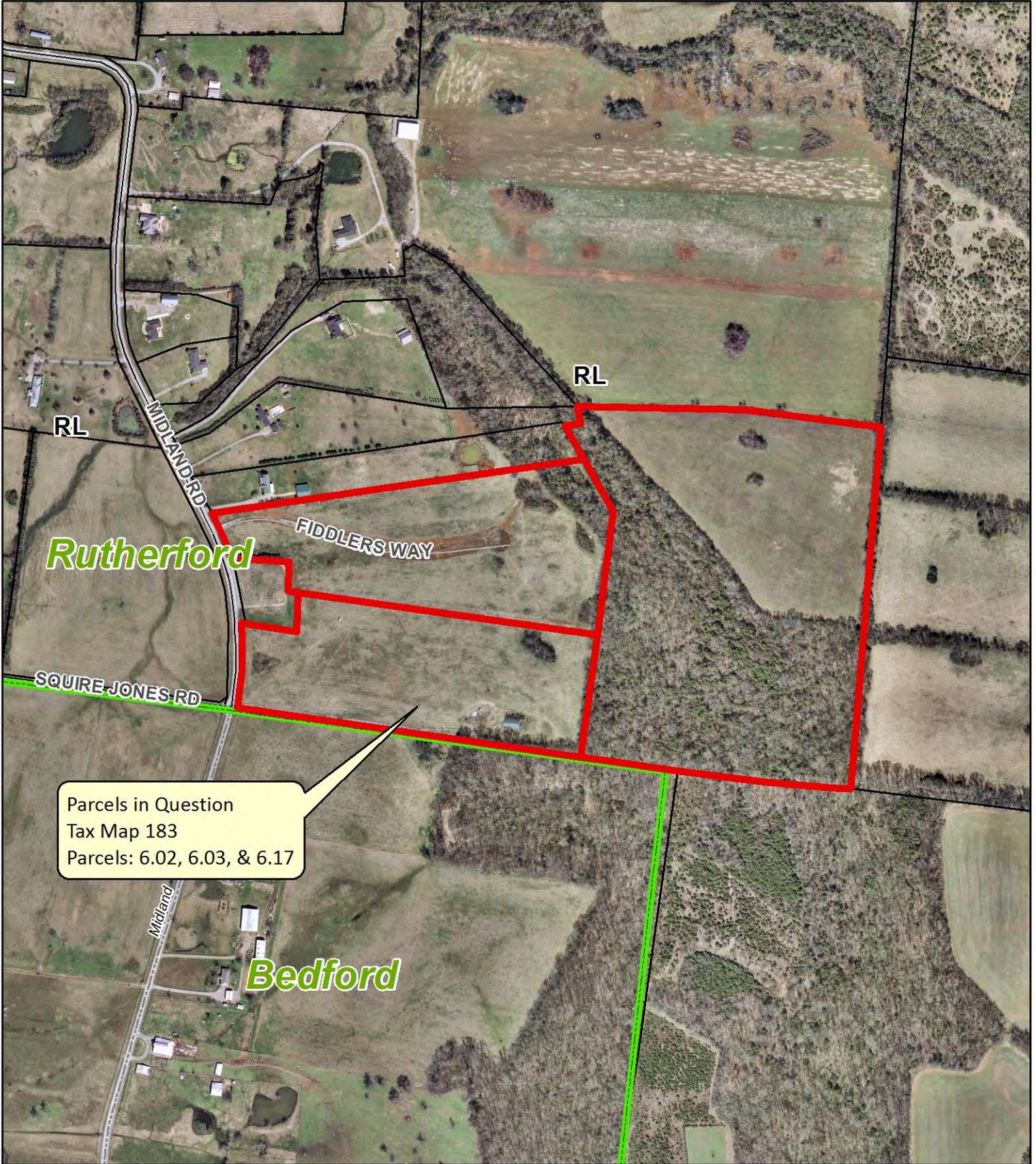
 RL - Low Density Residential

 In Question

 Fire Hydrants



16-A012



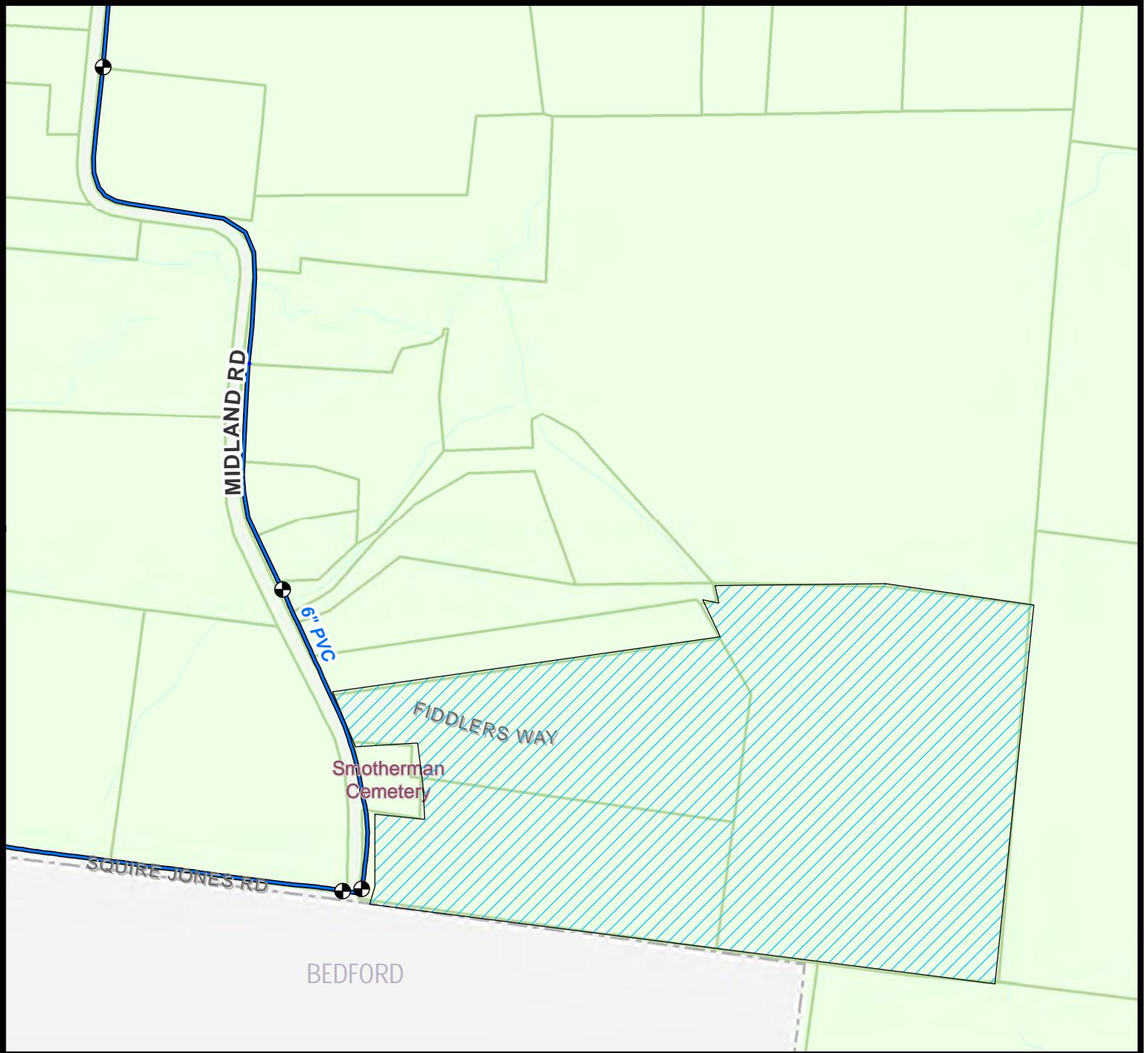
0 125 250 500 750 1,000 Feet

 In Question

 Fire Hydrants

Rezoning Request

Tax Map 183, Parcels 6.02, 6.03 & 6.17



Any additional development to the parcel(s) would be subject to the applicant submitting the Developer's Packet to Consolidated Utility District which includes a Water Availability Request to determine feasibility of and approve the proposed development.

All maps, flows, elevations, pipe sizes or any other hydraulic information is provided as a courtesy by CUDRC to the recipient and is for information use only. Since it may be inaccurate or incomplete, it should never be relied upon for design purposes or financial commitments without investigation and due diligence by the recipient.

Date: May 31, 2016





CONSOLIDATED UTILITY DISTRICT
Rutherford County, Tennessee

May 11, 2016

Mr. Eddie Smotherman
Murfreesboro, TN 37130

**Re: Staghorn Subdivision
Midland Road
Tax Map 183, Parcels 6.02, 6.03 and 6.17
Will Serve Letter – Water Only**

Dear Mr. Smotherman,

This “Will Serve Letter” is for the property identified as Staghorn Subdivision (hereafter “Developer/Development”) (Tax Map 138, Parcels 6.02, 6.03 and 6.17) located off Midland Road in Murfreesboro, TN which lies within the water service area of Consolidated Utility District of Rutherford County (hereafter “the District”). Based on the proposed master plan provided to the District, the project will create 116 residential lots, each with a detached, single-family residence.

The District system currently has a six (6) inch water main along Midland Road, which would serve as the main feed for the property in question. The current infrastructure can meet the domestic water demands of the development for the proposed 116 single-family residential lots, however fire demands in the form of fire hydrants as requested **CANNOT** be supported at this location. Fire demands are based on current requirements, and the Developer should verify with the appropriate local regulating body and what, if any, alternatives there are to this requirement. If residential fire sprinklers are deemed an alternative, it should be noted that the current infrastructure *can* meet the fire demands in the form of residential fire sprinklers in this location. If the applied for fire demands are required by the governing agency an Off-site Feasibility Study will be necessary to determine the extent of off-site system improvements necessary to meet the demands. If the developer wishes to have an Off-site Feasibility Study completed, it shall be requested in writing and payment of the \$1000.00 feasibility study fee shall be paid by the developer for completion of the study. Fire demands are based on the fire hydrant requirements submitted, and the Developer should verify current requirements with the appropriate local regulating body. The sewer for this development is to be served by a new STEP system. Additional requirements and availability should be verified through the District’s STEP department for the sewer portion of this development.

No public water improvements and/or extensions shall be approved or installed until all conditions are fulfilled as outlined in the District’s Developer’s Packet and are subject to payment by Developer of

engineering and inspection fees. All water lines/facilities improvements needed to serve the property in question are to be installed by the Developer in accordance with the District's policies and procedures as outlined in the Technical Specifications of the District which can be found on our website or at our office.

This letter is specifically subject to the above conditions and such other terms and conditions as the District may require from time to time or at the time the water line improvements/upgrades are to be implemented and installed according to the District's requirements. This letter is intended only as a matter of "general information" and is not a contract between the parties. The letter shall not be considered an agreement or obligation of the District to provide water service to the Developer. In addition, there are or may be additional terms, requirements and conditions of the District to provide water service to the Developer which are not set forth or otherwise referred to in this letter.

In addition to the foregoing, if the Developer has not commenced development of the plans submitted to the District within one (1) year of the date of this letter, any approval(s) previously granted the Developer by the District shall automatically expire.

Please feel welcome to call or email if you have questions.

Sincerely,



Bryant Bradley
Project Manager
Consolidated Utility District
PH: 615-893-7225
Fax: 615-225-3314

Pc: Jamie Reed, PE, SEC Engineering, Inc.
William Dunnill, PE, CUD General Manager
Jimmy Hailey, PE, James C. Hailey & Associates

Map Satellite

773: 2015 ADT

Midland Fosterville
942: 2015 ADT

662: 2015 ADT

Approx. Site Location



Document Prepared by:
 Rutherford County Regional Planning Commission
 One Public Square South, Suite 200
 Murfreesboro, Tennessee 37130

**RUTHERFORD COUNTY BOARD OF COMMISSIONERS
 TYPE III CONDITIONAL USE PERMIT**

CASE NUMBER: A-819 **DATE:** October 12, 2007
PROPERTY OWNER: Smotherman Properties LLC
PROPERTY ADDRESS: Midland Road

TAX MAP: 183	GROUP:	PARCEL NUMBER: 6.02,6.03,6.17
RECORD BOOK: 687	PAGE NUMBER: 3717 (For Tax Map 183, Parcel 6.02)	
RECORD BOOK: 687	PAGE NUMBER: 3147 (For Tax Map 183, Parcel 6.17)	
RECORD BOOK: 743	PAGE NUMBER: 1276 (For Tax Map 183, Parcel 6.03)	

ZONING DISTRICT: R-15

PROPOSED USE: Planned Residential Development

CONDITIONS:

- ◆ Items in the pattern book are to become conditions of approval.
- ◆ Right-of-way dedication along Midland Road will be required.
- ◆ There shall be a minimum of a 10-foot side setback and 20-foot separation between structures for those units that incorporate non-combustible material on the sides of said structures. A minimum of 15 feet between structures and a 7 ½ -foot minimum setback will be allowed for structures that do incorporate combustible material on the sides of said structures.
- ◆ Professionally managed homeowners association. Part of the responsibility of this association will be the maintenance of the sprinkler systems in each house;
- ◆ Construction of a picnic pavilion within the public use area;
- ◆ \$700.00 self-imposed per lot contribution to the Rutherford County School System: \$350 of the fee be collected at the final plat stage and the other \$350 be collected at the building permit stage;
- ◆ Residential sprinkler system for each home in lieu of a hydrant-based system. This system shall incorporate a bypass around the water meter, compliant with the policies of Consolidated Utility District (CUD) so that the sprinkler systems will still operate if the water meter is turned off;
- ◆ Water distribution system to be constructed to support hydrants when Consolidated Utility District (CUD) improvements improve diameter of the existing water main;
- ◆ NFPA 13D approved dry sprinkler system in the attic and heated areas of the houses; and
- ◆ Low/slow flow fire hydrants to be installed if permitted by State Law.

The Rutherford County Board of Commissioners granted the Executive Director of Planning authorization to issue this **TYPE III CONDITIONAL USE PERMIT** at its regularly scheduled meeting on .

From: [Chris White](#)
To: [Doug Demosi](#)
Subject: RE: Staghorn PUD
Date: Tuesday, May 31, 2016 10:42:23 AM

Doug,

Thank you very much. I appreciate the opportunity to mention a few things about Staghorn considering that it borders Bedford County for nearly 1,700 feet. In review, I took notice that Chapter 9 of the Rutherford County Zoning Ordinance, *Section 902 (D) Landscaping*, requires that a landscaping buffer zone between uses be installed and maintained in order to minimize the potentially harmful impact noises and objectionable views from adjoining low-density land uses. Similarly, Chapter 4 of the Bedford County Zoning Resolution, specifically *4.043 (C)(5)*, requires that PUD's landscape the perimeter of such developments for the same exact reasons.

- The conceptual designs in Staghorn's pattern book (*attached*) don't properly address landscaping as a matter of buffering their significantly higher densities of residential use from neighboring low density land uses. More specifically, it doesn't mention any landscape buffer in Phases 2 and 3 along the Bedford County line and the southernmost border of Staghorn. The adjoiner is currently zoned A-1 (Agriculture/Forestry) and is currently farming the significant sized 117 acre parcel.
- One other concern which may later present an issue would be fencing along the same southern border. With the emergence of dozens of new neighbors along the North side of the farm along the county line AND prospective PUD border, as well as the proposed common area greenspace, the opportunity exists for dozens of encroachments by future homeowners with particularly shallow back yards. Residents and their children using the proposed green space along the proposed Staghorn Drive may be tempted to trespass on the neighboring property which could instigate expensive civil-litigation and an overall nuisance to the Bedford County property owner(s).

I would respectfully request that these issues be observed, where needed, during the approval process, especially with regard to phases 2 and 3.

Chris

Chris White – Director
Planning – Zoning – Building Codes
200 Dover Street, Suite 101 | Shelbyville, TN 37160

Office: 931.685.1336 | Local Ext. 2101

Chris.white@bedfordcountyttn.org

www.bedfordcountyttn.org

From: Doug Demosi [mailto:ddemosi@rutherfordcountyttn.gov]

Sent: Friday, May 27, 2016 3:13 PM

To: chris.white@bedfordcountyttn.org

Subject: Staghorn PUD

Chris,

The pattern book is attached. Please let me know if you have any comments on it.

Thanks.

Doug

Doug Demosi, AICP, CFM

Planning Director

Rutherford County Planning and Engineering Department

Phone: 615.898.7730

Fax: 615.898.7823

ddemosi@rutherfordcountyttn.gov

www.rutherfordcountyttn.gov

RUTHERFORD COUNTY BOARD OF ZONING APPEALS

Regular Meeting August 10, 2016

Location Commission Chambers, 2nd Floor, Historic Courthouse



PUBLIC WORKS REPORT

- I. Call to Order: 4:30 PM
- II. Pledge of Allegiance
- III. Roll Call & Determine Quorum
- IV. Approval of July 13, 2016 Meeting Minutes

Jerry Sartain moved, seconded by Joe Meshotto, to approve the Minutes as presented by Staff.
Motion Carried (Unanimous Voice)
The Minutes of the July 13, 2016 meeting were Approved.
- V. New Business
 - A. **Kevin Ray Buck – BZA 2016-046**

Location: 3815 John Bragg Highway, Map No.:104, Parcel: 120.02, Request for temporary special exception approval for a seasonal attraction on a property located in the RM, Medium Density Residential zoning district.

Joe Meshotto moved, seconded by Veronica Buchanan, to Approve the request as presented by staff with the following conditions: Signage shall meet the requirements of the Rutherford County Zoning Resolutions and no parking within the right-of-way of John Bragg Highway.
Motion Carried (5 - For, 0 - Against)
Request was Approved
 - B. **Hubert Wayne Baskett – BZA 2016-047**

Location: 1234 Veterans Parkway, Map No.:124, Parcel: 24, Request for special exception approval for the establishment of a major home based business involving auto repair upon a property located in the RM, Medium Density Residential zoning district.

Gary Farley moved, seconded by Jerry Sartain, to Approve the request as presented by Staff.
Motion Carried (5 - For, 0 - Against)
Request was Approved
 - C. **Thomas Gregory Hyde – BZA 2016-048**

Location: 1605 Mount Herman Road, Map No.:111, Parcel: 31, Request for special exception approval for the placement of a single wide residence on a tract less than five (5) acres on a property located in the RL, Low Density Residential zoning district.

Gary Farley moved, seconded by Joe Meshotto, to Approve the request as presented by Staff.
Motion Carried (5 - For, 0 - Against)
Request was Approved
- VI. Board Business
- VII. Adjournment