

Rutherford County Regional Planning Commission

Agenda – 3-14-16 – 6:00 PM

Historic County Courthouse – 2nd Floor

- I. CALL TO ORDER
- II. PRAYER/PLEDGE OF ALLEGIANCE
- III. ROLL CALL/DETERMINATION OF QUORUM
- IV. APPROVAL OF THE MINUTES
- V. ITEMS WITHDRAWN/DEFERRED
- VI. NEW BUSINESS – REZONING REQUESTS/PUBLIC HEARINGS

A. Will Jordan (16-A005)

Location: Lebanon Pike

Commissioner District: 14 (Charlie Baum)

Size of Site: Approximately 10.25 acres

Tax Map: 47, Parcel: 71.00

Existing Zoning: Residential Medium-Density (RM)

Proposed Zoning: Commercial Services (CS)

B. Thomas Holton (16-A006)

Location: Shelbyville Pike

Commissioner District: 6 (Joe Frank Jernigan)

Size of Site: Approximately 43 acres

Tax Map: 179, Parcel: 21.00

Existing Zoning: Residential Low-Density (RL)

Proposed Zoning: Heavy Industrial (HI)

C. George and Regina Lanning (16-A007)

Location: 4657 Rucker Christiana Road

Commissioner District: 6 (Joe Frank Jernigan)

Size of Site: Approximately 19 acres

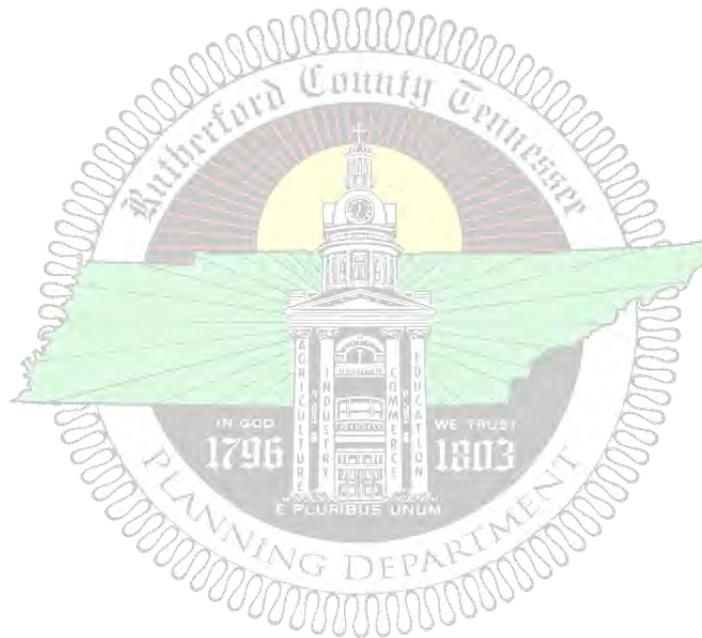
Tax Map: 149, Parcel: 26.06

Existing Zoning: Residential Medium-Density (RM)

Proposed Zoning: Planned Unit Development (PUD) – Retreat

- D. Scott Findlay (16-A002)**
Location: 6885 Williams Road
Commissioner District: 8 (Pettus Read)
Size of Site: Approximately 9 acres
Tax Map: 181, Parcel: 2.06
Existing Zoning: Residential Low-Density (RL)
Proposed Zoning: Planned Unit Development (PUD) – Baseball Training Facility

- VII. OLD BUSINESS**
VIII. STAFF REPORTS/OTHER BUSINESS
IX. ADJOURNMENT



Rutherford County Regional Planning Commission Staff Report

Planning Commission Meeting Date: March 14, 2016

Case Number:	16-A005
Staff Recommendation:	APPROVAL
Request by:	Will Jordan
Property Address:	Lebanon Pike
Commission District:	14 – Charlie Baum
Urban Growth Boundary:	Murfreesboro UGB

Applicant Request

Rezoning from Residential Medium Density (RM) to Commercial Services (CS)

Purpose of District

This class of district is designed to provide for a wide range of commercial uses concerned with retail trade and consumer services; amusement and entertainment establishments; automotive and vehicular service establishments; transient sleeping accommodations; eating and drinking places; financial institutions; and offices. However, it is not intended that this district permit uses which generate large volumes of truck traffic, and certain activities that have lower performance characteristics are prohibited. Less building bulk is permitted, and more open space and buffering are required.

Site Characteristics

Current Zoning: RM

Current Use: Vacant

Adjacent Uses: Single-family on all sides

Adjacent Zoning: RM on all sides. There is existing commercial zoning in the city of Murfreesboro at the intersection of Cherry Lane and Lebanon Pike

Size of Tract: Approximately 10 acres

Comprehensive Plan

The Rutherford County Comprehensive Plan shows this location as being included within the General Urban Character Area. This Character Area recommends a .9 Floor/Area Ratio for non-residential uses and up to 10 units/acre for residential uses. Lebanon Pike is also identified as an Urban Corridor, which recommends similar densities.

Proposal supported by Comprehensive Plan

Yes. Non-residential uses are contemplated in this Character Area and along Urban Corridors.

Infrastructure

Roads: The property has frontage along Lebanon Pike, which is a 2-lane undivided road with adequate right-of-way. There is a TDOT traffic count approximately 300 feet to the north of the property that shows a 2014 count of 16,042 vehicles per day. The County's Long Range Transportation Plan shows this segment of Lebanon Pike as being widened to five lanes. There is no timetable for this improvement.

Utilities: Information from Consolidated Utility District (CUD) indicates that there is an existing 8-inch water line along Lebanon Pike in this area (See attached map).

Fire Protection: There is a fire hydrant (Green Top) approximately 1,500 feet to the north of the property along Lebanon Pike. The applicant will need to meet with the County's Fire Chief to ensure that fire protection requirements can be met for the proposed use.

Stormwater: No portion of the subject property is impacted by the 100-year floodplain, 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: Since this is a rezoning for a non-residential use, no impact is foreseen on the Rutherford County School System.

Background/Proposal Details

Proposed Use: The applicant would like to rezone the property for the eventual use as a mini warehouse facility. Mini warehouses are only allowed by special exception in the CS zone. If this application is approved and the applicant pursues this use, an application to the Board of Zoning Appeals (BZA) will have to be made. At this time, there is no concept plan, but the applicant is aware of the process moving forward should the application be approved.

Access & Parking: Access to the property will be from Lebanon Pike. Mini warehouses typically have lower traffic volumes as compared to other nonresidential uses. That being said, Staff will study the site plan to determine whether or not traffic improvements to Lebanon Pike are warranted. All other parking and access issues will have to conform to the requirements of the Zoning Ordinance.

Landscaping: The proposed zoning will require a Type 2 buffer adjacent to residentially zoned property. The Board of Commissioners recently approved amendments to the Zoning Ordinance in regards to mini warehouse developments that make it possible to use the backs of the buildings as part of the buffer if designed properly. Staff expects the applicant to take advantage of these revised regulations.

Performance Standards: Section 1106 of the Zoning Ordinance creates performance standards for light, noise, dust, odor and hazardous materials that commercial or industrial activities must be able to meet.

Staff Recommendation

The property is located within the General Urban Character Area and is along an Urban Corridor, as identified in the Comprehensive Plan. Mini warehouse developments require a special exception application to the BZA, where additional standards can be added to ensure compatibility with the area. Staff recommends approval.

Attachments

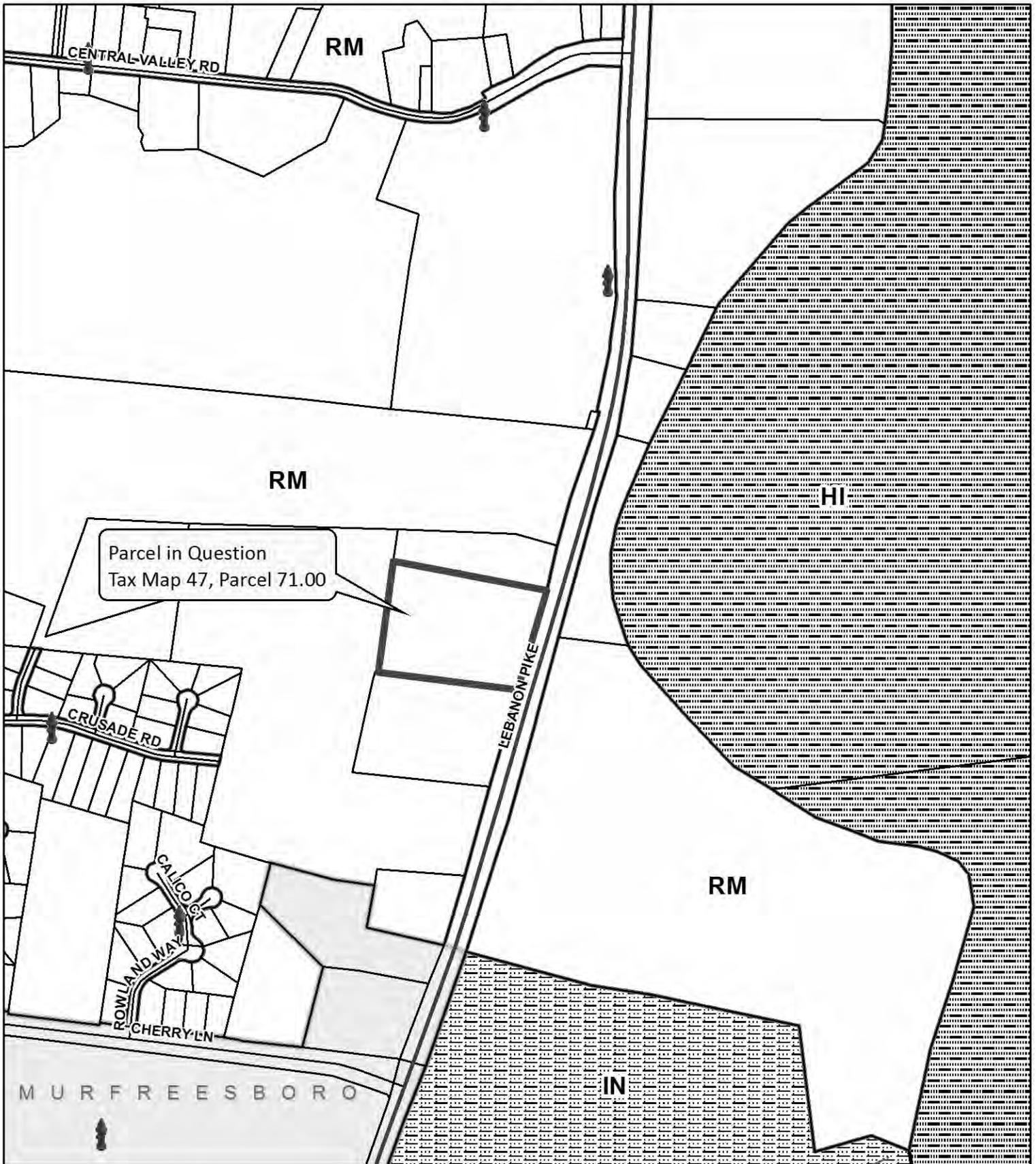
Zoning Map

Aerial Map

CUD Water Lines Map

Application Materials

16-A005



Parcel in Question
Tax Map 47, Parcel 71.00

  RM - Medium Density Residential  HI - Heavy Industrial  In Question  Fire Hydrants

0 200 400 800 1,200 1,600 Feet

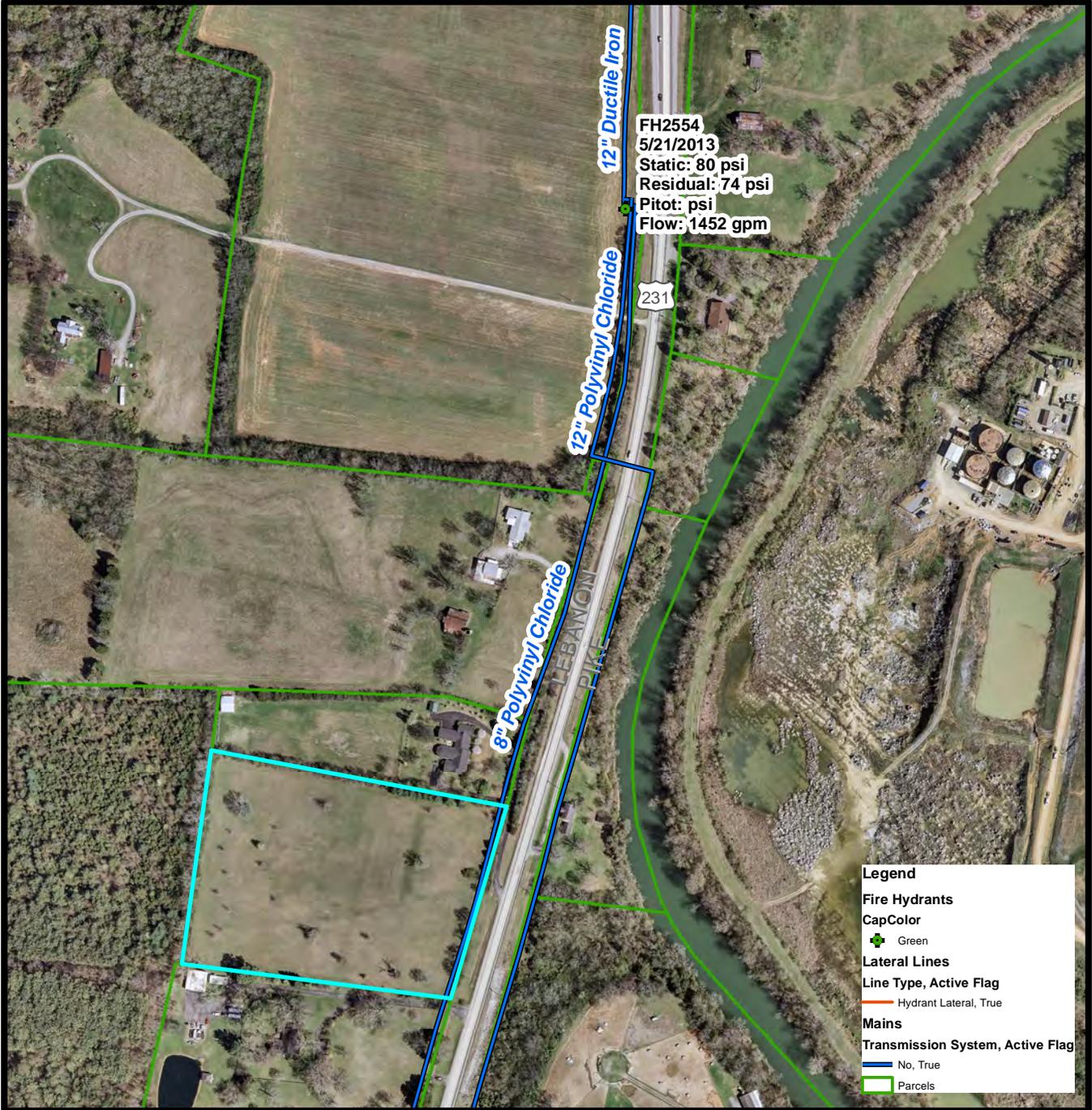
16-A005



0 200 400 800 1,200 1,600 Feet

-  In Question
-  Fire Hydrants

Rezoning Request Tax Map 47 Parcel 71.00



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.

Date: 2/25/2016

Prepared by: JLW



N.T.S.

February 11, 2016

Doug Demosi AICP, Planning Director

1 South Public Square
Room 200
Murfreesboro, TN 37130

Re: Rezoning Request: Described as a Tax Map 47 Parcel 07100, consisting of 10.25 ac.

Dear Mr. Demosi,

On behalf of our client, Will Jordan, we hereby request the rezoning of property identified by Tax Map 47 and Parcel 07100 consisting of approximately 10.25 acres from RM to CS. The purpose for this rezoning is to allow for a portion of the land to be used for self-storage units.

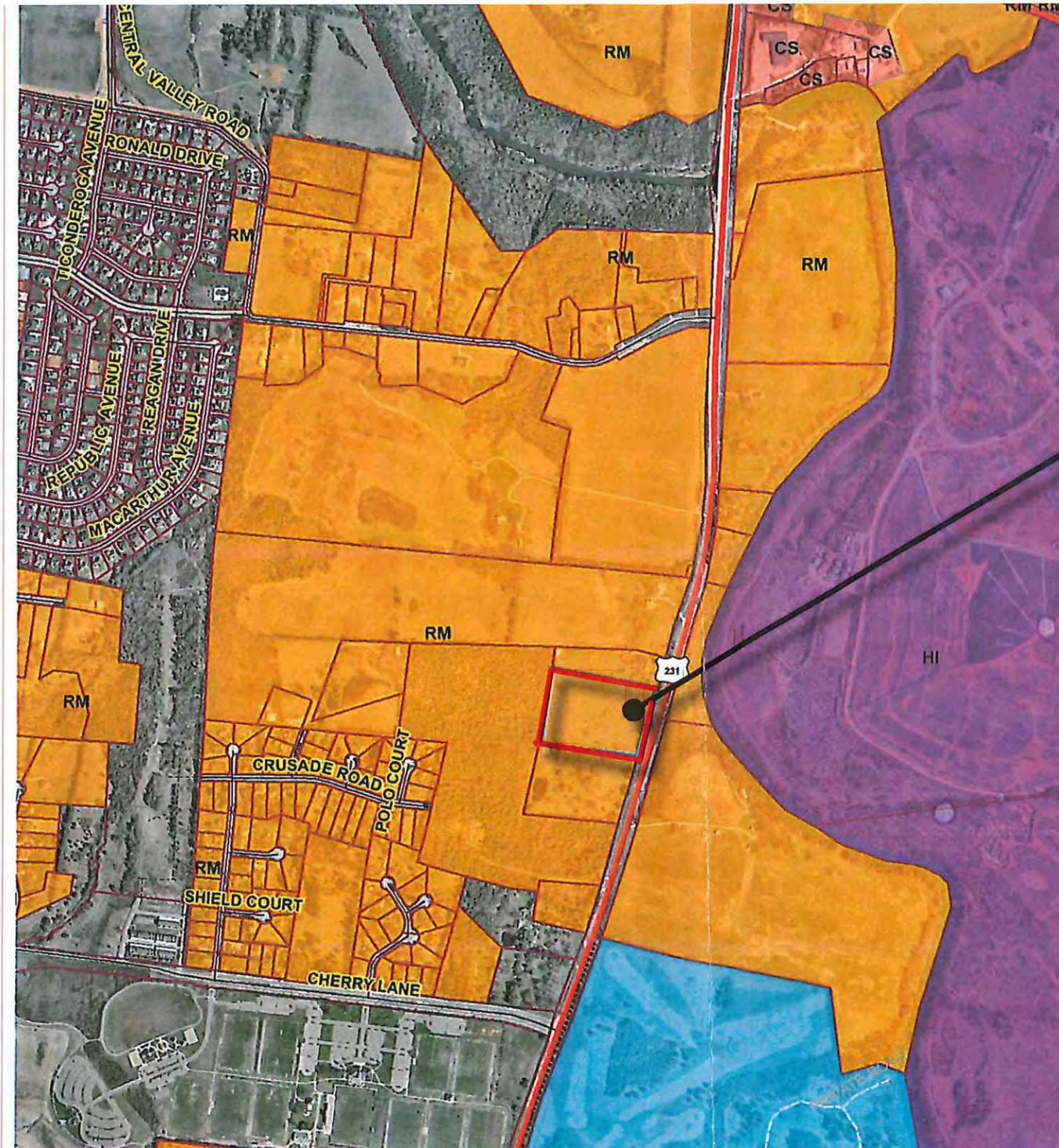
Please let me know if you need any additional information and thank you for your assistance with this request.

Sincerely,
HUDDLESTON-STEELE ENGINEERING, INC.



Clyde Rountree

Jordan Property Rezoning Exhibit



Site (10.25) - Currently zoned RM, Proposed CS Zoning request-

Rutherford County Regional Planning Commission Staff Report

Planning Commission Meeting Date: March 14, 2016

Case Number: 16-A006

Staff Recommendation: **APPROVAL (Portion only)**

Request by: Thomas Holton

Property Address: Shelbyville Pike

Commission District: 6 – Joe Frank Jernigan

Urban Growth Boundary: Rural Area

Applicant Request

Rezoning from Residential Low Density (RL) to Heavy Industrial (HI)

Purpose of District

This class of district is intended to provide space for the types of industrial activities, which by reason of volume of raw materials or freight, scale of operations, type of structures required, or other similar characteristics require locations relatively well separated from non-industrial uses. New residential activities except for those permitted as an accessory use are excluded, and commercial establishments and community facilities that provide needed services for industry and are complementary thereto are permitted.

Site Characteristics

Current Zoning: RM

Current Use: Vacant. There is a shared access drive with the property to the north (Ready-Mix Plant)

Adjacent Uses: There is an existing concrete plant and logging operation, as well as single-family structures, to the north. There's an existing construction business located directly across Shelbyville Pike and residential single-family uses to the south. The property is adjacent to the CSX railroad on the eastern side

Adjacent Zoning: HI, LI and RL to the north; CS across Shelbyville Pike; RL on all other sides.

Size of Tract: Approximately 43 acres

Comprehensive Plan

The Rutherford County Comprehensive Plan shows this location as being included within the Rural Character Area. Shelbyville Pike is also identified as an Urban Corridor, which recommends .9 FAR for nonresidential uses.

Proposal supported by Comprehensive Plan

Yes. Non-residential uses are contemplated along Urban Corridors.

Infrastructure

Roads: The property has frontage along Shelbyville Pike, which is a 4-lane divided road with adequate right-of-way. There are no TDOT traffic counts in the immediate vicinity of the property, but there are two counts, one approximately 2 miles to the north and the other two miles to the south of the property that show 2014 counts of 18,519 and 15,763 vehicles per day, respectively. The County's Long Range Transportation Plan

shows no future improvements along Shelbyville Pike in this area.

Utilities: Information from Consolidated Utility District (CUD) indicates that there is an existing 8-inch water line along Shelbyville Pike in this area (See attached map). CUD has also indicated that this property is located in a low flow fire protection area.

Fire Protection: There is a fire hydrant (Red Top) approximately 2,700 feet to the south of the property along Shelbyville Pike. The applicant will need to meet with the County's Fire Chief to ensure that fire protection requirements can be met for the proposed use.

Stormwater: No portion of the subject property is impacted by the 100-year floodplain, 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: Since this is a rezoning for a non-residential use, no impact is foreseen on the Rutherford County School System.

Background/Proposal Details

Proposed Use: The applicant would like to rezone the property in order to relocate his business, located along Cobb Road. The applicant fabricates concrete pipes and other concrete items for construction projects. Since the proposed use produces concrete, it falls under the Heavy Industrial zoning classification. The applicant has requested that the entire property be rezoned, although they do not anticipate using all of the property.

Access & Parking: Access to the property will be from an existing shared access drive along Shelbyville Pike. Staff has asked the applicant to explore the possibility of either working with the neighboring property to the south to extend the shared access drive to an existing median cut or perhaps to ask TDOT to move an existing median cut to the access drive. Staff's concern is larger trucks leaving the property and then having to make a U-turn at the next median cut north of the property to travel to the south. All other parking and access issues will have to conform to the requirements of the Zoning Ordinance.

Landscaping: The proposed zoning will require a Type 3 buffer adjacent to residentially zoned property. Buffers will not be required along property lines adjacent to industrially-zoned property. There are a number of existing trees on the property that can be counted towards the buffering requirements.

Performance Standards: Section 1106 of the Zoning Ordinance creates performance standards for light, noise, dust, odor and hazardous materials that commercial or industrial activities must be able to meet.

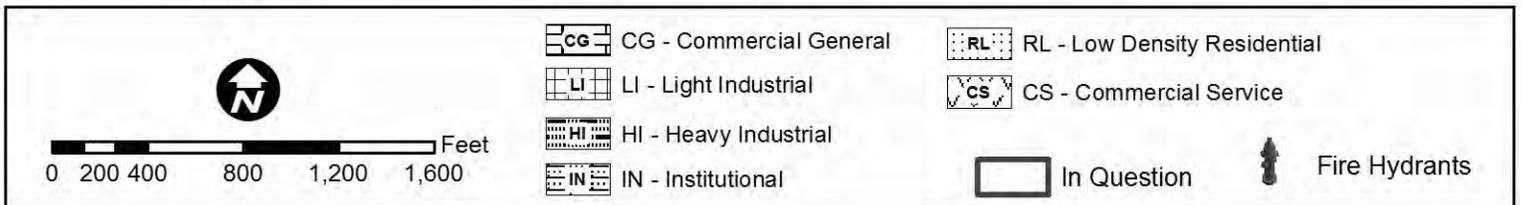
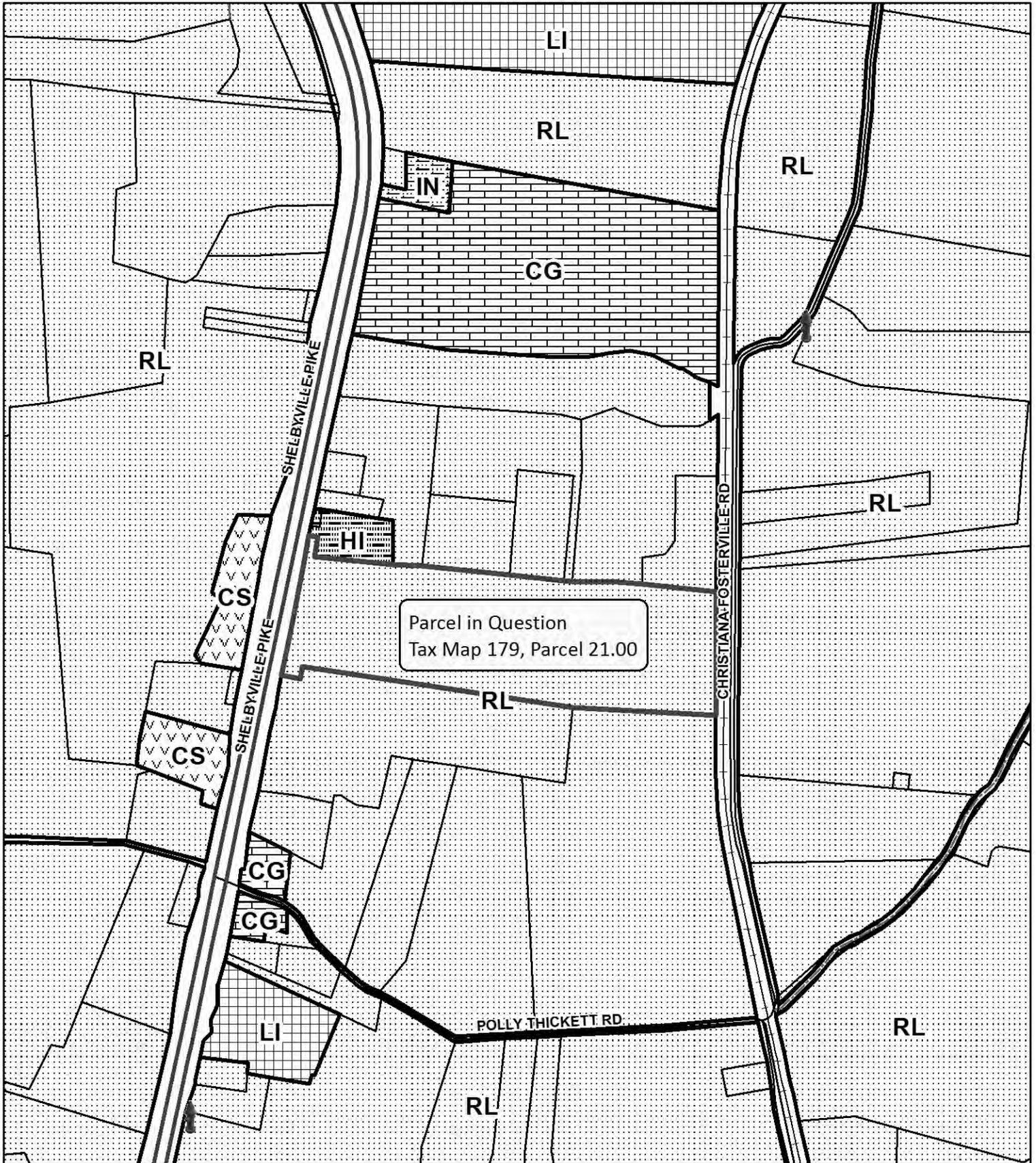
Staff Recommendation

Although the property is located within the Rural Character Area, there are a number of existing industrial and commercial uses in close proximity to the property. The property is also located along an Urban Corridor, as identified in the Comprehensive Plan. Staff does feel that zoning the entire property HI may not be appropriate. Staff would recommend approval of only a portion of the property. If the applicant desires to zone more of the property in the future, he can make a separate application at that time.

Attachments

Zoning Map
Aerial Map
CUD Water Lines Map
Application Materials

16-A006



16-A006



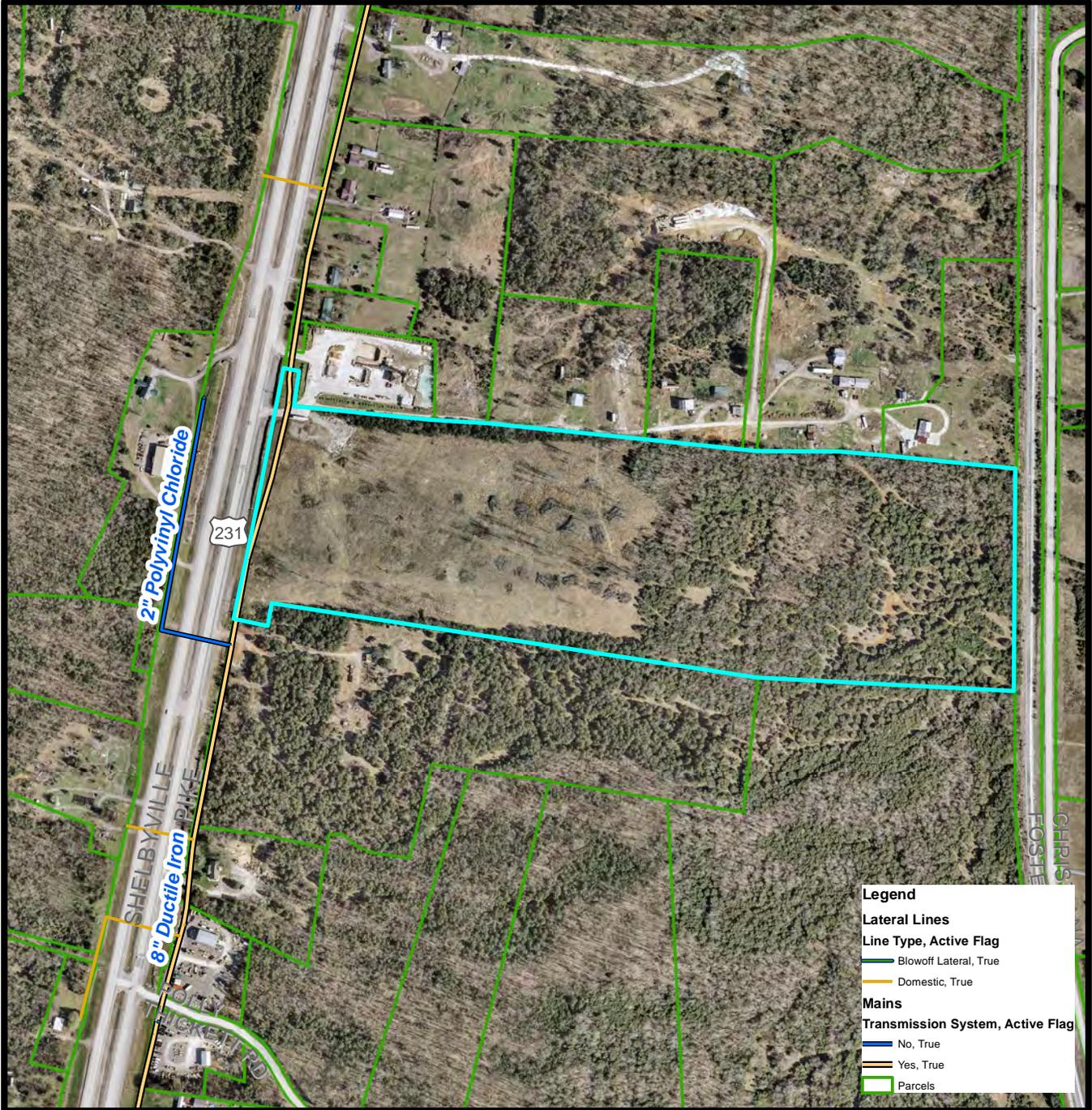
0 200 400 800 1,200 1,600 Feet

 In Question

 Fire Hydrants

Rezoning Request

Tax Map 179 Parcel 21.00



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.

Date: 2/25/2016

Prepared by: JLW



N.T.S.

February 11, 2016

Doug Demosi AICP, Planning Director
1 South Public Square
Room 200
Murfreesboro, TN 37130

Re: Rezoning Request: Described as a Tax Map 179 Parcel 02100, consisting of 43.0 ac.

Dear Mr. Demosi,

On behalf of our client, Thomas Holton, we hereby request the rezoning of property identified by Tax Map 179 and Parcel 02100 consisting of approximately 43 acres from RM to HI. The purpose for this rezoning is to allow for Mr. Holton to relocate his pipe company.

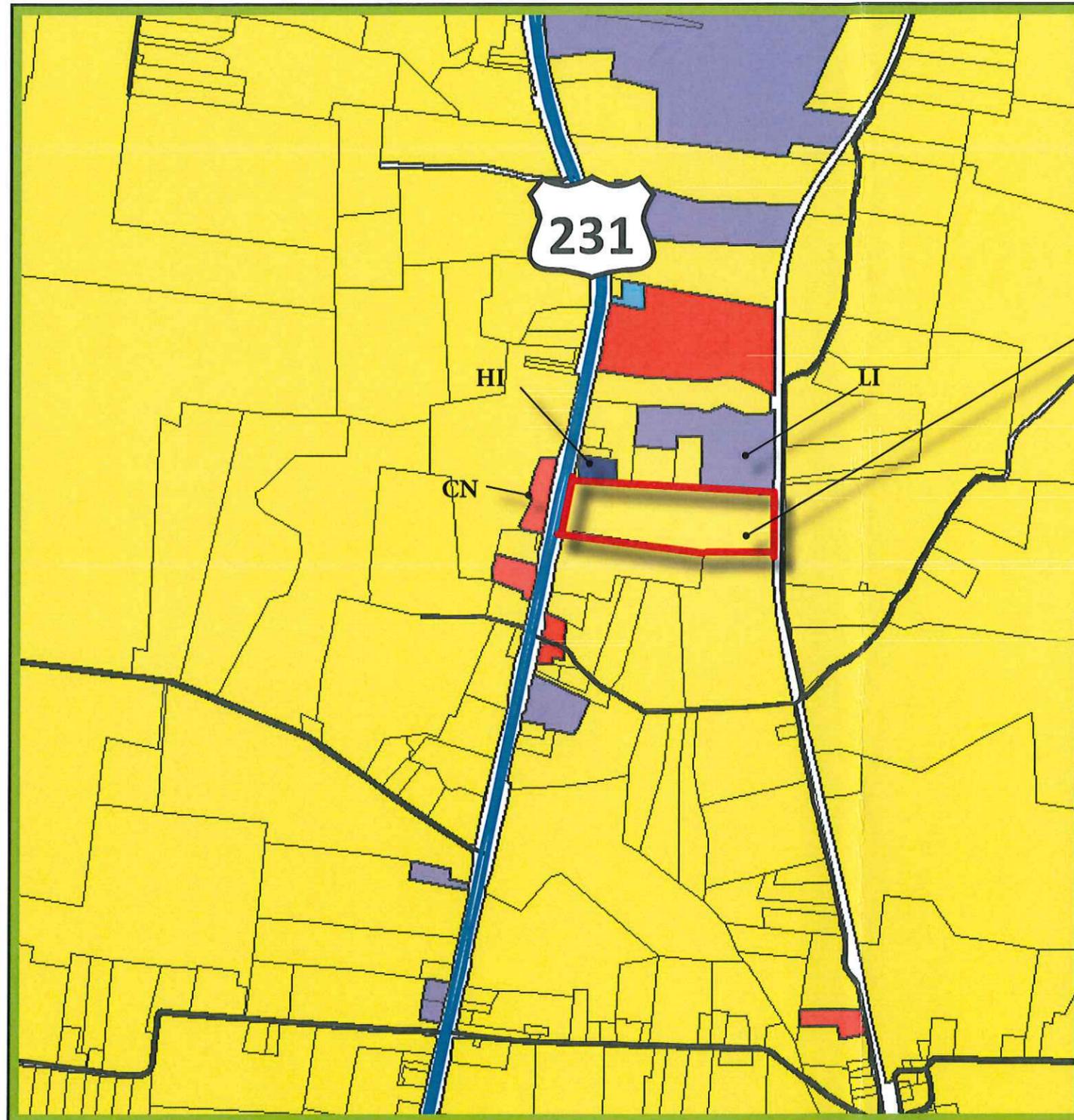
Please let me know if you need any additional information and thank you for your assistance with this request.

Sincerely,
HUDDLESTON-STEELE ENGINEERING, INC.



Clyde Rountree

Holton Property Rezoning Exhibit



Site (43 ac.) - Currently zoned RM,
Proposed HI Zoning requested

Rutherford County Regional Planning Commission Staff Report

Planning Commission Meeting Date: March 14, 2016

Case Number: 16-A007

Staff Recommendation: **APPROVAL**

Request by: George and Regina Lanning
Property Address: 4657 Rucker Christiana Road
Commission District: 6 – Joe Frank Jernigan
Urban Growth Boundary: Rural Area

Applicant Request

Rezoning from Residential Medium Density (RM) 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: RM
Current Use: Single-Family
Adjacent Uses: Single-family residential on all sides. Agricultural to the south
Adjacent Zoning: RM on all sides
Size of Tract: Approximately 19 acres

Comprehensive Plan

The Rutherford County Comprehensive Plan shows this location as being included within the Suburban Belt Character Area. This Character Area recommends a .2 Floor/Area Ratio for non-residential uses and up to 3 units/acre for residential uses.

Proposal supported by Comprehensive Plan

Yes. Non-residential uses are contemplated in this Character Area. That being said, the primary use of the property will remain single-family residential. The application is being made because the number of potential events exceeds what can be approved as a special exception.

Infrastructure

Roads: The property has frontage along Rucker Christiana Road, which is a 2-lane undivided road with adequate right-of-way. There are no traffic counts in the area. The closest count is located along Rucker Road, just the east of Crabapple Lane, which shows a 2014 count of 1,992 vehicles per day. The County's Long Range Transportation Plan does not identify any improvements for Rucker Christiana Road.

Utilities: Information from Consolidated Utility District (CUD) indicates that there is an existing 6-inch water line along Rucker Christiana Road in this area (See attached map).

Fire Protection: There is a fire hydrant (Red Top) approximately 700 feet to the east of the property at the intersection of Rucker Christiana Road and Golden Valley Drive. CUD has indicated that the property is located in a low fire protection area. The applicant has met with the County's Fire Chief and is aware of the steps to be taken in order to ensure that fire protection requirements can be met for the proposed use.

Stormwater: No portion of the subject property is impacted by the 100-year floodplain, 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: Since this is a rezoning for a non-residential use, no impact is foreseen on the Rutherford County School System.

Background/Proposal Details

Proposed Use: The applicants would like to rezone their property for use as a Retreat/Event Venue. There is an existing 2,400 square-foot structure on the property that will be used for weddings and other social events. The pattern book does not specifically state the total number of events to be held per year, but the applicant has indicated to Staff that the total will be greater than 30, which is why they are asking for a PUD zoning. Maximum capacity will be 100 people, but may be increased if adequate fire protection can be provided. Staff has asked for additional information on this item. There will be 1-2 employees associated with the business and no overnight accommodations will be provided. Security and traffic management will be provided on a case-by-case basis.

Access & Parking: Access to the property will be from Rucker Christiana Road. The conceptual plan shows an area for approximately 106 spaces. There appears to be adequate space on the property for additional parking should it be needed. Consistent with the regulations for Retreats, the parking areas are not required to be paved. The applicant will need to work with Staff to make sure that the surface material is acceptable during the site plan review stage, should this application be approved. All other parking and access issues will have to conform to the requirements of the Zoning Ordinance.

Landscaping: Planned development applications are expected to, at a minimum, meet the landscaping standards in Chapter 11 of the Zoning Ordinance. That being said, the property will still be used for single-family purposes, so a strict application of the landscaping standards may not be appropriate in this case. There are a number of existing trees on the property that can be used to screen the proposed use from neighboring properties. Staff would like to see some more landscaping along the eastern property line, adjacent to the Windy Meadows Subdivision.

Performance Standards: Section 1106 of the Zoning Ordinance creates performance standards for light, noise, dust, odor and hazardous materials that commercial or industrial activities must be able to meet.

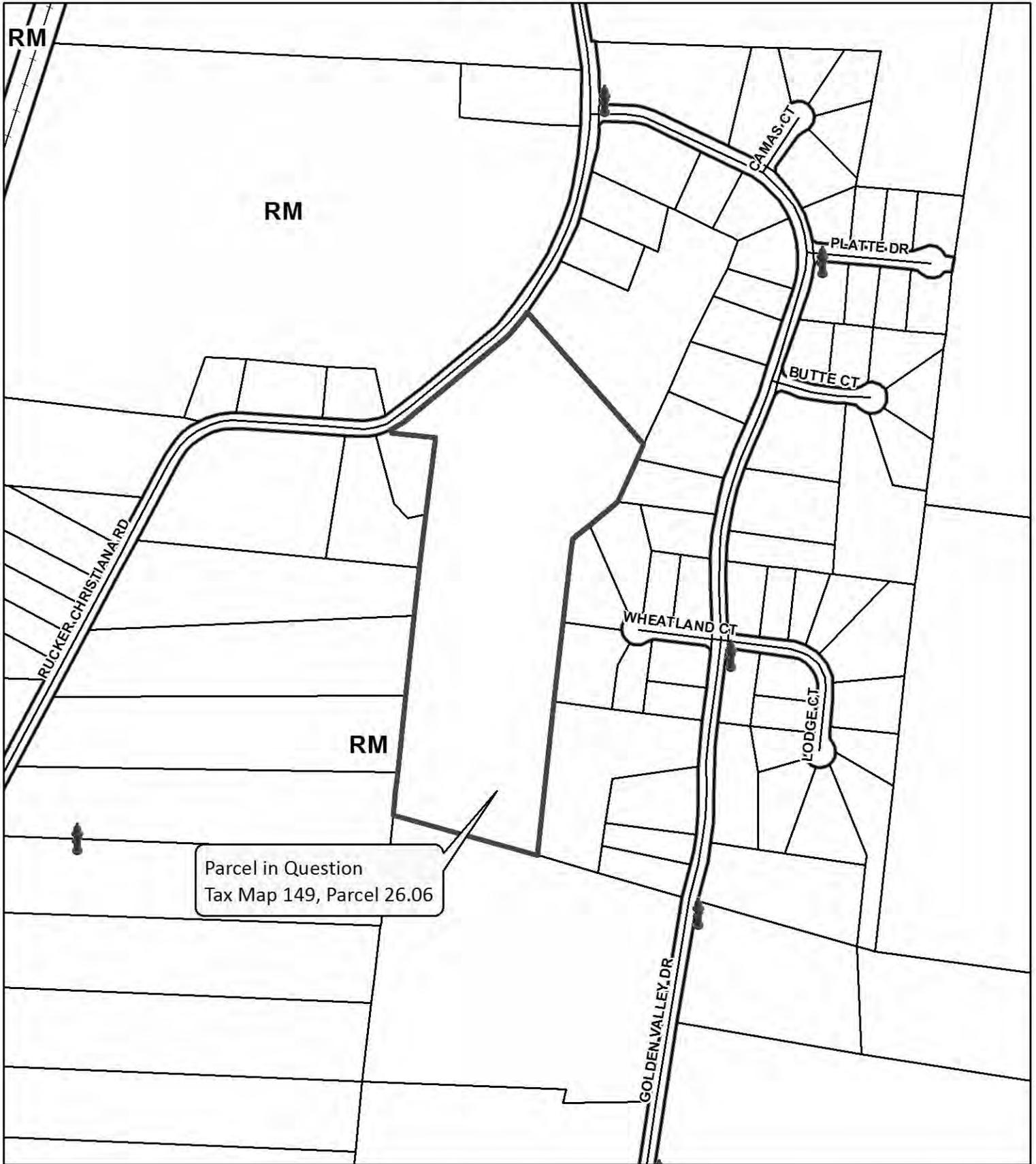
Staff Recommendation

Staff is of the opinion that the proposed use will be compatible with the surrounding area as long as the standards in the Zoning Ordinance are met. Staff also feels that the application meets the PUD purpose statements in Section 901 of the Zoning Ordinance. Staff recommends approval.

Attachments

Zoning Map
Aerial Map
CUD Water Lines Map
PUD Pattern Book (Separate Attachment)

16-A007



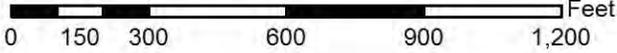
Parcel in Question
Tax Map 149, Parcel 26.06



RM RM - Medium Density Residential

In Question

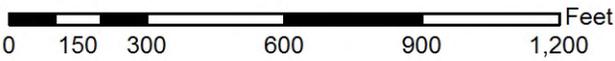
Fire Hydrants



16-A007



Parcel in Question
Tax Map 149, Parcel 26.06



In Question



Fire Hydrants

Rezoning Request

Tax Map 149 Parcel 26.06



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.

Date: 2/25/2016
 Prepared by: JLW



N.T.S.

Rutherford County Regional Planning Commission Staff Report

Planning Commission Meeting Date: March 14, 2016

Case Number: 16-A002

Staff Recommendation: **DENIAL**

Request by: Scott Findlay
Property Address: 6885 Williams 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: Single-Family. A special exception was granted by the Board of Zoning Appeals in September of 2014 for a Major Home-Based Business for an indoor baseball training facility with relief from the standards related to floor area, customer client visits per day and sign size (See attached Order of Action)

Adjacent Uses: Single-family residential on all sides

Adjacent Zoning: RL on all sides

Size of Tract: Approximately 9.5 acres

Comprehensive Plan

The Rutherford County Comprehensive Plan shows this location as being included within the Rural Area. While not part of the center, it is just outside of the Midland Rural Center. Rural Character Areas do not have a recommended density for non-residential uses. This is not to say that non-residential uses are prohibited, just that they are contemplated for the Suburban and General Urban Areas more so than the Rural Areas.

Proposal supported by Comprehensive Plan

Staff believes that the Plan is neutral on this application. Non-residential uses are contemplated more for other character areas than the Rural Area. That being said, the applicant will continue to live at the house on the property, so this isn't a pure commercial rezoning.

Infrastructure

Roads: The property has frontage along Williams Road, which is a 2-lane undivided road with a 50-foot right-of-way. There are no traffic counts along Williams Road in this area. The County's Long Range Transportation Plan does not identify any improvements for

Williams Road.

Utilities: Information from Consolidated Utility District (CUD) indicates that there is an existing 8-inch water line along Miller Road in this area (See attached map).

Fire Protection: There is an existing fire hydrant approximately 500 feet from the subject property. However, the hydrant is a red-top, which is inadequate for providing fire protection. Any development will have to conform to the adopted building and fire codes for the County.

Stormwater: No portion of the subject property is impacted by the 100-year floodplain, as delineated by the Federal Emergency Management Agency (FEMA). Engineering Staff is aware of some drainage concerns on the property. 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: Since this is a rezoning for a non-residential use, no impact is foreseen on the Rutherford County School System.

Background/Proposal Details

Proposed Use: The applicant originally constructed the ballfield on the property for his children. Over time, use of the field expanded to his children's teams for practices, games, etc. The applicant applied to the Board of Zoning Appeals (BZA) for a special exception for a home-based business in order to use an accessory structure for indoor baseball training facility. Due to the number of exceptions that the applicant was asking for (Floor area, customer/client visits per day and sign size), Staff recommended to the applicant and the BZA that the request would be better served as a PUD application. The BZA ultimately approved the special exception application as presented.

The applicant now desires to expand the use the property to, "...host a full range of baseball/softball youth programming ranging from batting and fielding skill development to hosting small venue tournaments." The applicant has indicated that he would limit the number of teams in a tournament to six. Tournaments would run from April through October and would include no more than 20 events, although the applicant has stated that there wouldn't be a tournament every weekend. Games would run from 9:00 AM until ½ hour before dusk. The tournaments would concentrate on 5-8 year old boys and girls. The applicant also provides opportunities to rent the field/facility for practices, host birthday parties, etc. The applicant was originally requesting lights for the field, but this has been removed. There is no mention of any sound amplification in the applicant's pattern book. The pattern book provides additional details on the applicant's plans. Additional information can be found at the applicant's website: www.showmeathletics.com.

The applicant held a neighborhood meeting on January 26, 2016. A number of the neighbors were in attendance and had various concerns including traffic, the amount of activity already occurring on the property, possible field lighting, sound amplification, and others. This application was removed from the February 8, 2016 Planning Commission agenda to allow the applicant an opportunity to respond to the concerns that were raised.

Access & Parking: Access to the property will be from an existing drive on Williams Road. Williams Road has no improvements identified on the County's Long-Range Transportation Plan. The application proposes to utilize the existing gravel area for parking, as well as identifying an area adjacent to the driveway for additional parking. Staff has asked for more detail about the proposed parking, as it does not appear that enough parking is available for the proposed use of the property.

Landscaping: Landscaping shall at a minimum conform to the standards in Chapter 11 of the Zoning Ordinance (Section 1104). The pattern book shows some existing buffer areas but does not go into any detail as to any additional measures that will be taken to buffer the property from possible adverse effects.

Performance Standards: Section 1106 of the Zoning Ordinance creates performance standards for light, noise, dust, odor and hazardous materials that commercial or industrial activities must be able to meet.

Staff Recommendation

Staff is concerned that the proposed level of activity is going beyond what was originally discussed at the BZA meeting. Copies of the minutes from that meeting have been included with your agenda packets. While it is certainly the applicant's prerogative to request this rezoning, Staff is concerned that the proposed use may not be compatible with the surrounding area. Williams Road has a more rural character in Staff's opinion and the activity level of this proposal may be more in line with the Suburban Belt or General Urban area.

Staff is also not convinced that there will be adequate parking for the number of people that will be attending these tournaments. Even if only three teams are present at one time (as the applicant has indicated), little league games tend to attract not just the players and their families, but extended family members, friends, etc. Under no circumstances does Staff want to see parking along Williams Road or on any adjacent property.

It is Staff's opinion that the applicant may be trying to conduct more activity on the site than it can reasonably handle. Staff does not feel that this application meets Section 901 F. of the Zoning Ordinance that states that planned developments should promote, "...attractive and functional environments for nonresidential areas that are compatible with the surrounding areas..." Staff recommends denial.

Attachments

Zoning Map

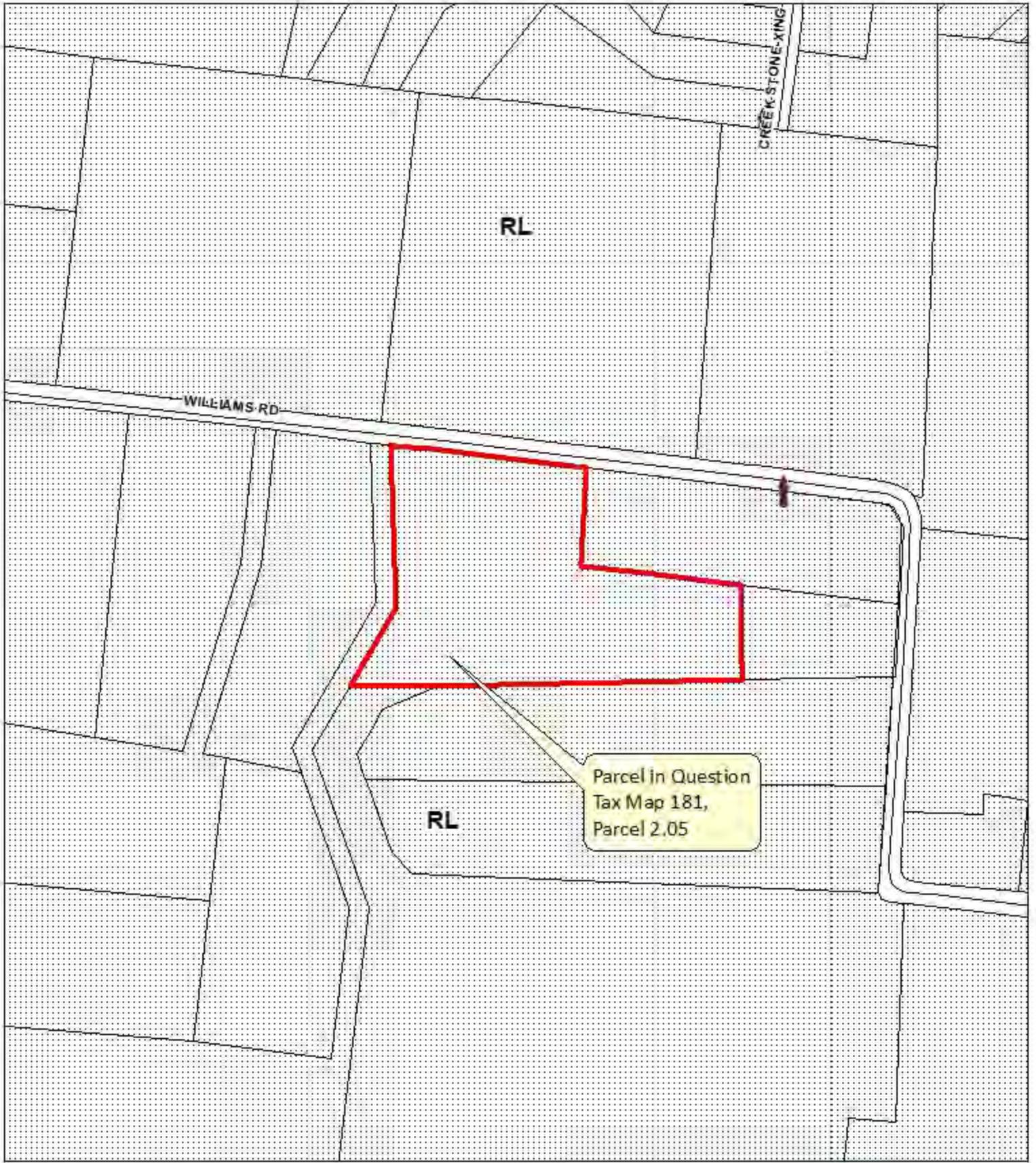
Aerial Map

CUD Water Lines Map

Board of Zoning Appeals Minutes from their September 10, 2014 Meeting

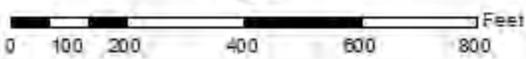
Pattern Book (Separate Attachment)

16-A002



RL - Low Density Residential

In Question



16-A002



Parcel in Question
Tax Map 181,
Parcel 2.05



 In Question

0 100 200 400 600 800 Feet

Rezoning Request

Tax Map 181 Parcel 2.06



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.

Date: 12/14/2015

Prepared by: JLW



N.T.S.

it. Mr. Sartain asked why the employees could not be picked up rather than driving to site and leaving their personal vehicles. Mr. Mangrum explained that this would create obstacles if an employee was sick and needed to leave and also would not leave room for him to pick up his child from school.

Joe Crowell moved to Approve the request with a 1 year review and no more than two (2) company vehicles on site. The motion died for lack of second.

Joe Meshotto asked if there was already a rule in place that would allow no more than two company vehicles and Ms. Glouner explained that the Home Business criteria allowed for no more than 2 vehicles. She further explained that they could ask for relief from that in the future but that it would require returning to the Board.

Joe Crowell moved to Approve the request with a 1 year review and no more than two (2) company vehicles on site. The motion again failed for lack of second.

Joe Meshotto stated that a 1 year review gave the neighbors the ability to come back before the Board. Keith Bratcher asked for and received confirmation that the request would have to come back before the Board for approval or denial if it was approved for one year at this time. Blake Garner, County Attorney, stated that the motion needed to be clarified as to whether it was to be reviewed or come back before the Board.

Joe Crowell moved, seconded by Jerry Sartain, to Approve the request with a maximum of two (2) business vehicles on site and the requirement to return to the Board in one year for future approval.

Motion Carried (5 For, 0 Against)

Request was Approved with Conditions

BZA 2014-059

Scott Findlay -6885 Williams Road

Scott Findlay requested special exception approval to allow the establishment of a major home based business involving an indoor baseball training facility with relief from the standards for major home based businesses relating to floor area, customer/client visits per day and signage. Mr. Findlay began by addressing the home businesses located on his property. He explained that the vehicles related to his water restoration business were stored at the home of his technician and that as of the date of this meeting, the business licenses of this and his construction business were no longer affiliated with this address. He referred to a petition with 14 neighbors in favor of his request that had been provided to Staff and Board members. He went on to explain that his was a baseball family and that he had built a baseball field for his 8 and 10 year old sons last year, when as a coach, he found it difficult to locate practice facilities. He described the proposed building as a state of the art facility with (3) batting systems utilized by professional teams. The facility will house (4) 12' x 70' lanes for both baseball and softball. He stated that County kids seem to get forgotten and that a facility of this type was needed in the area. He further stated that this was not a get rich quick idea but that he wanted to give back to the community. He said that he planned to make the facility handicapped accessible and would make it available to kids in the community who could not normally afford to participate. He emphasized that the baseball field was for little kids and not adults, that he did not absolutely have to have a sign, and that the baseball facility would be the only business affiliated with the property. Joe Crowell asked how many employees would be on site and Mr. Findlay explained that there would be a general manager, a pitching coach and himself. Mr. Crowell asked how many cars would be on site and what the hours would be. Mr. Findlay said that there should not be more than 8-10 cars on the property at one time and that the hours would typically be 4 – 8 pm on weekdays and 10 am – 6 pm on weekends. Jerry Sartain told Mr. Findlay that he applauded what he was trying to do but questioned the wisdom

of placing a major facility in the middle of a neighborhood and wondered why it couldn't be located in a different location. Mr. Findlay acknowledged Mr. Sartain's concerns but said that all of the neighbors around him had signed the petition in favor of the facility. Mr. Sartain also questioned what would happen to the facility as the applicant's children got older and Mr. Findlay responded that he wanted his children to become involved in the business along with their children. Mr. Sartain stated that everything about the business violated County codes. He said he was not against the business but did not feel it was appropriate in a back yard. Joe Crowell asked the other Board members what was different about this request and the landscaping request and Ms. Glouner responded that there was a great deal of difference, not the least of which was proposed parking for 25 cars. Mr. Findlay interjected that the maximum number of cars would be 12-14. Joe Crowell asked if anyone in the neighborhood was opposed and Mr. Findlay responded that it was yet to be determined. Keith Bratcher questioned the regulation regarding use of more than 25% of home square footage for a major home based business. Ms. Glouner responded that this standard applied to a minor home business but the Board could approve more for a major home business in an accessory structure. Jerry Sartain asked if there was an age limit for those utilizing the facility. Mr. Findlay responded that the age limit for the field would be 12 and under and the limit for the training facility would be 18 and under. **The public hearing was opened.** Todd Meyers, 6800 Williams Road, spoke in opposition to the request. He pointed out that all of the home owners in the vicinity were related and that of the seven registered property owners who were family, only two have signed the petition, probably under duress. He also pointed out that the petition contained several signatures by children rather than property owners. He pointed out that there was already a hair salon operating from this property that last held a business license in 2010 but had regular business traffic. He said in addition to the hair salon, two others businesses were operating from the property, one of which he had personally witnessed business traffic. He pointed out there were already games being held on the property with parked vehicles in excess of 25. He identified noise and traffic as problems affecting his property and felt this use should be in a properly zoned facility, adding that a similar business, Bases Loaded, was operating just over four miles away on Midland Road. John Williams, 808 Midland Road, identified himself as father-in-law of the applicant and pointed out that he would catch the brunt of the traffic. He referred to the statement regarding the appropriateness of this facility in a neighborhood and compared it to the cell tower that was in his back door. Chris Prince said he lived within a mile of the proposal and currently took his son to the business previously mentioned, but that it was substandard. He also referred to a similar building in the vicinity where the bay doors were typically open revealing auto repairs in progress. He said that the property was well maintained and that you wouldn't find a nicer residence on Williams Road. He added that if the question was about licensing a major home business on the site, he never saw more than 4-5 vehicles on site at one time at a similar business. Amanda Trotter said that only a tree line separated her property from the proposed facility and that the property was impeccably maintained. She said that the weekend games were not generating that many cars and that the noise level is low. She admitted that she had purchased her property for its rural character but that she was glad that the facility would be available for the use of her children and would also provide income for the applicant and his family. Joe Meshotto asked Ms. Trotter if it would bother her if the property was rezoned for commercial use and she responded that it would not. Ms. Glouner explained that the property would have to be rezoned to be able to operate this type of facility by right. Keith Bratcher asked for and received confirmation that the request was for a special exception for a major home business and not for rezoning. Anita Findlay, wife of the applicant, stated

that her family loved baseball and that they wanted to give the kids in the community a nice facility. She explained that the games were not that frequent and that the field was used primarily for a practice field for their sons. She felt that the neighbors were in support of the proposal and did not feel that it would have an adverse effect on property values. Steve Spence, 7309 Williams Road, spoke in favor of the request stating that children making noise is like music to him and with the size of the lots, neighbors should not be disturbed by noise. Rick Adams, Director of Tennessee Youth Baseball, said that his organization sanctioned the Rutherford County teams but that the County did not have facilities funding or paid personnel to provide this type of facility. He asked for approval. Carol Prince, who lives within 1 mile of the proposed facilities and said that this site is where her kids ride go-carts and that noise from a baseball field should not be a problem in comparison. She felt it would be a great thing for the area. Commissioner Pettus Read, spoke in favor of the request, saying that it was like a field of dreams. He said he had received no calls in opposition. He said that he felt it was a great concept and that the property appeared to be well kept. **The public hearing was closed.** Joe Crowell stated that Mr. Findlay needed to make a decision about what business he wanted to run, but if that if Mr. Findlay was willing to meet County regulations regarding the number of businesses operating from the site, he was willing to make a motion.

Joe Crowell moved, seconded by Keith Bratcher, to Approve the request as the only business operating from the site.

Motion Carried (4 For, 1 Against)

Request was Approved

Danielle Glouner provided the Board Members a copy of proposed zoning ordinance changes as a courtesy. These changes have no effect on the operation of the Board but simply consolidate wording from the Board's By-Laws into the current Zoning Ordinance so that all of the information is in one place for easy reference.

There being no further business, the meeting was adjourned at 6:45 pm.

Zane Cantrell, Chairman

Danielle Glouner, Secretary

Date

Date