

Rutherford County Regional Planning Commission

Agenda – 9-12-16 – 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- V. ITEMS WITHDRAWN/DEFERRED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
 - A. REZONING REQUESTS/PUBLIC HEARINGS
 - 1. Charles Mullins (16-A014)
Location: 3711 Old Woodbury Highway
Commissioner District: 4 (Robert Peay, Jr.)
Size of Site: Approximately .5 acres
Tax Map: 104, Parcel: 116.03
Existing Zoning: Residential Medium-Density (RM)
Proposed Zoning: Commercial Neighborhood (CN)
 - 2. Vijay Patel for Overall Creek Partners (16-A015)
Location: 4431 Veterans Parkway
Commissioner District: 20 (Trey Gooch)
Size of Site: Approximately 1.1 acres
Tax Map: 93N, Group B, Parcel: 6.00
Existing Zoning: Residential Medium-Density (RM)
Proposed Zoning: Commercial Services (CS)
- VII. OLD BUSINESS
- VIII. STAFF REPORTS/OTHER BUSINESS
- IX. ADJOURNMENT

Rutherford County Regional Planning Commission Staff Report

Planning Commission Meeting Date: September 12, 2016

Case Number: 16-A014

Staff Recommendation: **NEUTRAL**

Request by: Charles Mullins
Property Address: 3711 Old Woodbury Highway
Commission District: 4 – Robert Peay, Jr.
Urban Growth Boundary: Murfreesboro UGB

Applicant Request

Rezoning from Residential Medium-Density (RM) to Commercial Neighborhood (CN)

Purpose of District

This class of district is designed to provide for a the types of commercial activities that can be located in close proximity to residential areas and that meet recurring shopping and personal service needs. Bulk requirements and buffering standards are intended to insure compatibility between adjoining and nearby uses. This district may also include residential occupancy.

Site Characteristics

Current Zoning: RM
Current Use: Vacant – Existing accessory structure
Adjacent Uses: Residential on all sides. Existing mobile home park to the north
Adjacent Zoning: RM on all sides
Size of Tract: Approximately .5 acres

Comprehensive Plan

The Rutherford County Comprehensive Plan classifies this property as being located within Suburban Belt Character Area. This character area recommends residential densities of up to three units per acre and non-residential densities of .2 Floor/Area Ratio. Old Woodbury Highway is also classified as a Suburban Corridor which recommends residential densities of up to 5 units per acre and non-residential densities of .2 Floor/Area Ratio.

Proposal supported by Comprehensive Plan

Non-residential uses are contemplated within the Suburban Belt Character Area and along Suburban Corridors. There are also other non-residential uses in fairly close proximity to the subject property.

Infrastructure

Roads: Old Woodbury Highway is a 2-lane, ditch-section road that has 60 feet of right-of-way. The County’s Long Range Transportation Plan shows a future widening of this segment of Old Woodbury Highway to a three-lane cross-section. There appears to be adequate existing right-of-way for this improvement. There is a TDOT traffic count approximately 2/3 of a mile to the west of the subject property that identifies a 2015 count of 3,543 vehicles per day.

Utilities: According to information from Consolidated Utility District (CUD), there is an existing 8-inch water line fronting the subject property along Old Woodbury Highway.

Fire Protection: The closest fire hydrant is located at the intersection of Old Woodbury Highway and Anniston Drive (Green Top) approximately 125 to the east. Any new development/redevelopment on the property will be required to adhere to the adopted fire codes for Rutherford County.

Stormwater: No portion of the property is 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.

Staff is aware of drainage concerns with this property. While the subject property does not appear to hold water, it appears that at some point in the past there was a ditch that ran through this property. This ditch was filled in, which has caused some drainage issues for other properties in the area. Any new development of this property may have to account for these issues.

Schools: Not applicable, as this request is for non-residential purposes.

Background/Proposal Details

Background/Proposed Use: The applicant is proposing to rezone the property in order to construct/operate a lawnmower/small engine repair shop. This activity falls under the Consumer Repair Services activity classification, which is allowed by right within the Commercial Neighborhood (CN) zone. The applicant originally requested Commercial Services (CS) zoning. Upon review, the property width (Approximately 86 feet) is less than the required width for properties within the CS zone (100 feet). Considering that the proposed use would be allowed in both the CS and CN zone, Staff spoke to the applicant about making a change to his request. The minimum lot width in the CN zone is 75 feet, as opposed to 100 feet in the CS zone, which this property meets.

Staff has spoken with the applicant regarding his plans for the property. It is unclear at this point whether the existing garage will be utilized for the proposed business or a new building will be constructed. If the existing garage is to be utilized, Staff has identified several items of concern. First, the existing building appears to be within the required side setbacks for the CN zone. Buildings constructed as accessory structures in residential zones only have to meet a minimum setback of five feet. They also have to stay outside of any drainage and/or utility easements. If the building were utilized as a principal structure in the CN zone, it would have to adhere to a 15-foot side setback. It is very likely that a setback variance from the Board of Zoning Appeals would have to be applied for before the building could be used for commercial purposes. Second, the existing building would have to be brought up to current building and fire codes. Since

the building would no longer be an accessory structure for personal use, the occupancy and codes requirements would change. Third, all requirements, such as parking, stormwater, landscaping/screening, groundwater/septic tanks, etc., would have to be constructed approved prior to beginning operation. This would require an engineered site plan to be reviewed by Staff and possibly the Planning Commission. Staff has conveyed this information to the applicant and is concerned that there simply may not be enough room on the property to make all of the necessary improvements.

Access & Parking: The applicant has not submitted any concept plan to this point. Access would be from Old Woodbury Highway. Parking requirements for the proposed businesses would be one space for every 250 square feet of floor area. If the building is used primarily as a contractor's office, the requirement would be one space for every 1,000 square feet of sales/office floor area, plus one space for each employee. Parking spaces would have to be built to current County standards, including paving.

Landscaping: A Type 2 Buffer would be required on all sides adjacent to residential zones. The buffer requires an average width of 30 feet, which can be reduced to 15 feet if a solid visual screen is used. Plantings are prescribed in the Zoning Ordinance.

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.

Staff Recommendation

There are a number of issues that will need to be addressed, especially if the applicant desires to use the existing building on the property. Staff is concerned that the lot isn't large enough to make the required improvements. That being said, non-residential uses are contemplated along suburban corridors and there are other non-residential uses in proximity to the subject property. Staff is neutral on this application.

This application was deferred at the Planning Commission's August 8, 2016 meeting. Commission members raised a several issues, including the proposed use of the property, whether or not the existing building would be utilized for the business, septic soils, hours of operation, and drainage concerns. Staff has discussed these concerns with the applicant and has also asked him to provide a concept plan to ensure that his plans for the property are feasible. Further conversations with the applicant indicate that he may wish to pursue a different type of application for the property (i.e. special exception for a possible home-based business) but has asked for this application to remain on the Planning Commission's agenda for the time being. Staff will alert the Commission if this item is withdrawn prior to the meeting.

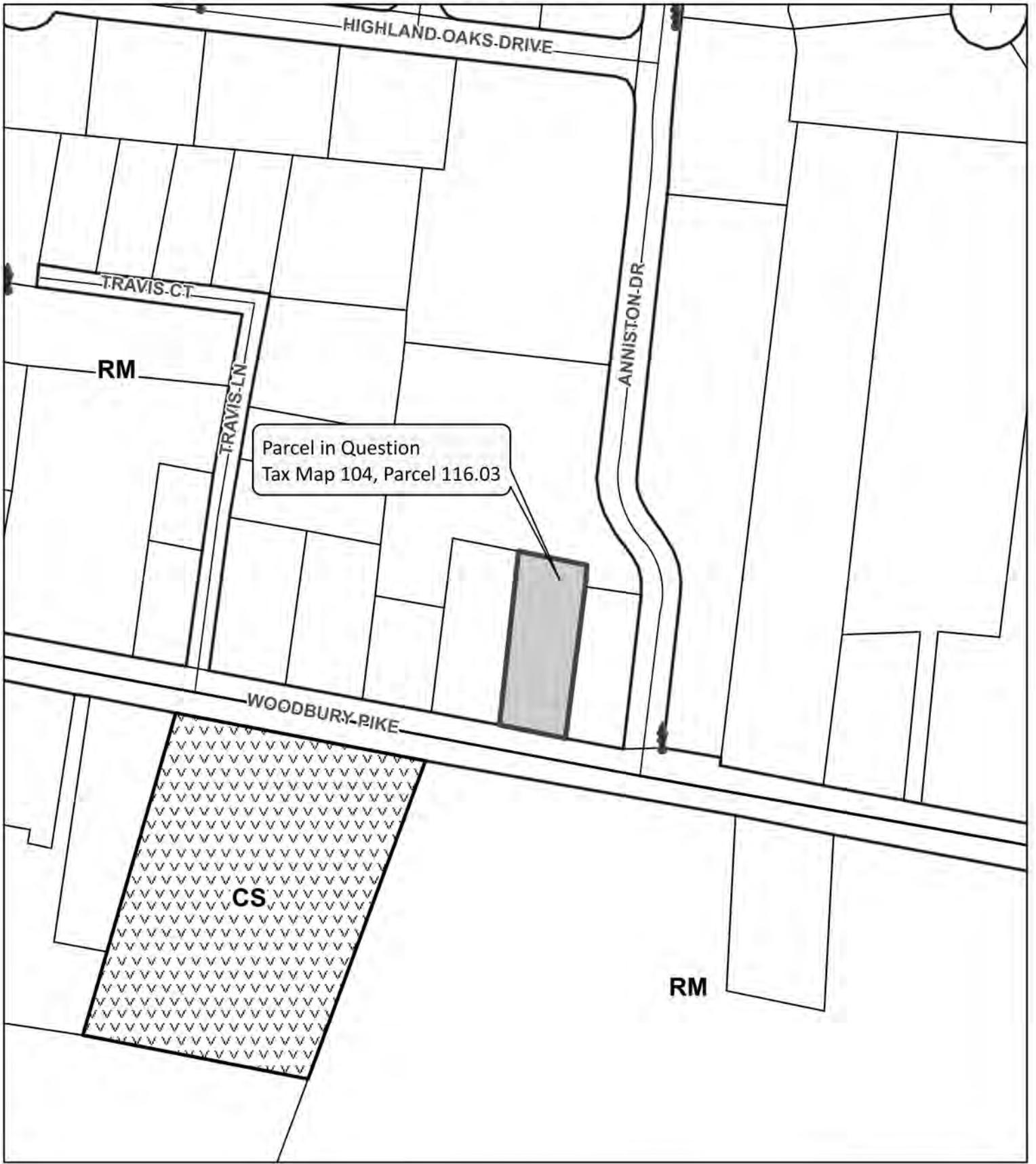
Attachments

Zoning Map

Aerial Map

Water Line Map from CUD

16-A014



Parcel in Question
Tax Map 104, Parcel 116.03

RM

TRAVIS LN

TRAVIS CT

HIGHLAND OAKS DRIVE

ANNISTON DR

WOODBURY PIKE

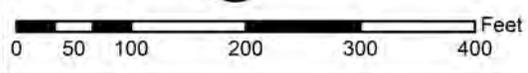
CS

RM



RM RM - Medium Density Residential
CS CS - Commercial Service

In Question
Fire Hydrants



16-A014



0 50 100 200 300 400 Feet

 N

 In Question

 Fire Hydrants



NOTES:

- 1) The subject property is located within the service boundary of Consolidated Utility District of Rutherford County (CUDRC) and is currently being served by CUDRC.
- 2) Any further development of the subject property beyond what currently exist's would require the OWNER/DEVELOPER to submit a Water Availability Request for CUDRC to determine feasibility.
- 3)The OWNER/DEVELOPER shall complete a Developer's Packet through the Engineering Department at CUDRC.



REZONING REQUEST
 TAX MAP: 104, PARCEL: 116.03
 July 28, 2016



Rutherford County Regional Planning Commission Staff Report

Planning Commission Meeting Date: September 12, 2016

Case Number: 16-A015

Staff Recommendation: **APPROVAL**

Request by: Vijay Patel, for Overall Creek Partners

Property Address: 4431 Veterans Parkway

Commission District: 20 – Trey Gooch

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: Single-Family Residential

Adjacent Uses: Residential to the north and south. Vacant to the west. Shopping center located across Veterans Parkway to the east

Adjacent Zoning: RM to the north and west. City zoned property to the south (Commercial Fringe (CF)) and east (commercial Highway (CH)).

Size of Tract: Approximately 1.1 acres

Comprehensive Plan

The Rutherford County Comprehensive Plan classifies this property as being located within General Urban Character Area. This character area recommends residential densities of up to ten units per acre and non-residential densities of .9 Floor/Area Ratio. Veterans Parkway is also classified as an Urban Corridor which recommends similar residential and non-residential densities.

Proposal supported by Comprehensive Plan

Staff is of the opinion that the request is supported by the County's Comprehensive Plan. Non-residential uses are contemplated within the General Urban Character Area and along Urban Corridors. There are also other non-residential uses in very close proximity to the subject property.

Infrastructure

Roads: Veterans Parkway is a 5-lane, curb-and-gutter road that has 80 feet of right-of-way. There is a TDOT traffic count approximately two miles to the north at the interchange onto S.R. 840 that identifies a 2015 count of 7,074 vehicles per day.

Utilities: According to information from Consolidated Utility District (CUD), there is an existing 16-inch water line fronting the subject property along Veterans Parkway.

Fire Protection: The closest fire hydrant (Green Top) is located approximately 122 feet to the north. Any new development/redevelopment on the property will be required to adhere to the adopted fire codes for Rutherford County.

Stormwater: No portion of the property is 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: Not applicable, as this request is for non-residential purposes.

Background/Proposal Details

Background/Proposed Use: The applicant is proposing to rezone the property for possible future commercial use. The applicant has not identified any specific use at this point, nor have they provided a concept plan. He may develop the property or sell it in the future.

The current residential use of the property could continue under the County's Nonconforming Uses, Lots, and Structures Section (Chapter 13). Grandfathering status would be lost if the property were to be developed for commercial purposes or if the residential use were discontinued for greater than 30 months.

Access & Parking: Access would be from Veterans Parkway. Parking spaces would have to be built to current County standards, including paving. The right-of-way for Veterans Parkway is located within the Murfreesboro City Limits. Any development would have to conform to the access requirements for Murfreesboro.

Landscaping: A Type 2 Buffer would be required on all sides adjacent to residential zones. The buffer requires an average width of 30 feet, which can be reduced to 15 feet if a solid visual screen is used. Plantings are prescribed in the Zoning Ordinance.

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.

Staff Recommendation

Staff believes that the Veterans Parkway area is in a state of transition. Since the completion of the widening and realignment to Veterans Parkway, multiple non-residential uses have been introduced to the area. Examples include MTEM C's proposed campus to the north and across the street from the subject property, the new Kroger development at the intersection of Franklin Road and Veterans Parkway located directly across the street from the subject property, and a commercial element to the PUD located at the intersection of Shores Road and Veterans Parkway. The Board of Commissioners also approved rezoning requests at 4925 Veterans Parkway at their December 17, 2015 meeting and at 4613 Veterans Parkway at their August 11, 2016 meeting. Staff feels that CS zoning would be consistent with the development trend in the area and recommends approval.

Attachments

Zoning Map
Aerial Map
Water Line Map from CUD
Murfreesboro City Zoning Map

16-A015

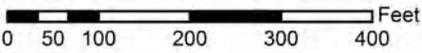


Parcel in Question
Tax Map 093N, Group B,
Parcel 6.00

RM RM - Medium Density Residential

 In Question

 Fire Hydrants



16-A015



Parcel in Question
Tax Map 093N, Group B,
Parcel 6.00

  In Question
 Fire Hydrants

0 50 100 200 300 400 Feet



NOTES:

- 1) The subject property is located within the service boundary of Consolidated Utility District of Rutherford County (CUDRC) and is currently being served by CUDRC.
- 2) Any further development of the subject property beyond what currently exist's would require the OWNER/DEVELOPER to submit a Water Availability Request for CUDRC to determine feasibility.
- 3)The OWNER/DEVELOPER shall complete a Developer's Packet through the Engineering Department at CUDRC.

REZONING REQUEST
TAX MAP 93N Group B Parcel 6.00

Date: 8/17/2016
Prepared by: CBH



Murfreesboro Zoning Legend

- CF - Commercial Fringe
- CH - Commercial Highway
- RM-16 - Residential Multi-Family, 16 dwelling units/acre max
- PUD - Planned Unit Development

