Rutherford County Regional Planning Commission

Agenda – 10-10-16 – 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V. ITEMS WITHDRAWN/DEFERRED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)

3. **Mark Jones for Steel Barrel Brewing (16-A016)**
   Location: 6790 John Bragg Highway
   Commissioner District: 6 (Joe Frank Jernigan)
   Size of Site: Approximately 82 acres
   Tax Map: 105, Parcel: 98.01
   Existing Zoning: Residential Medium-Density (RM)
   Proposed Zoning: Planned Unit Development (PUD) for use as Brewery Facility

4. **Joni Cook (16-A017)**
   Location: Couchville Pike
   Commissioner District: 3 (Will Jordan)
   Size of Site: Approximately 12 acres
   Tax Map: 2, Parcel: 12.02
   Existing Zoning: Residential Medium-Density (RM)
   Proposed Zoning: Office Professional (OP)

5. **Bev DeLong (16-A009)**
   Location: 8461 Franklin Road
   Commissioner District: 20 (Trey Gooch)
   Size of Site: Approximately 5 acres
   Tax Map: 94, Parcel: 60.00
   Existing Zoning: Residential Medium-Density (RM)
   Proposed Zoning: Planned Unit Development (PUD) – Self-Storage Facility

VII. OLD BUSINESS

VIII. STAFF REPORTS/OTHER BUSINESS

IX. ADJOURNMENT

Rutherford County Regional Planning Commission Staff Report

Planning Commission Meeting Date: October 10, 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 it. 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

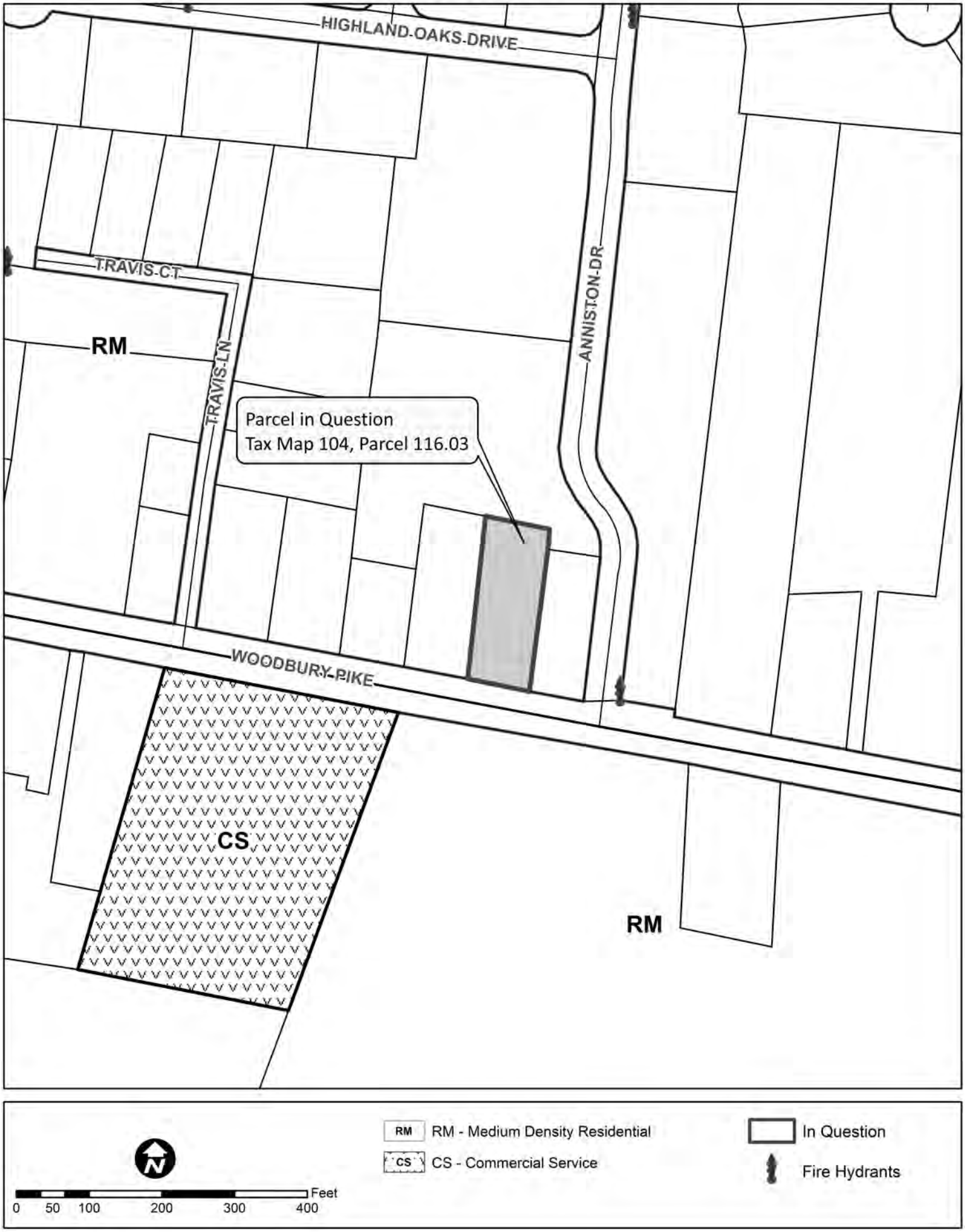
There are a number of issues that will need to be addressed, especially if the applicant desires to use the existing building on the property. Staff is concerned that the lot isn't large enough to make the required improvements. That being said, non-residential uses are contemplated along suburban corridors 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 (PC'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. The item was then requested by the applicant to be removed from the PC's September 12 meeting.

Attachments

Zoning Map
Aerial Map
Water Line Map from CUD

16-A014


HIGHLAND OAKS DRIVE
TRAVIS CT
TRAVIS LN
ANNISTON DR
RM
Parcel in Question
Tax Map 104, Parcel 116.03
WOODBURY PIKE
CS
RM
RM - Medium Density Residential
CS - Commercial Service
In Question
Fire Hydrants
Feet
0 50 100 200 300 400

16-A014

HIGHLAND OAKS DRIVE
TRAVIS CT
TRAVIS LN
ANNISTON DR
RM
Parcel in Question
Tax Map 104, Parcel 116.03
WOODBURY PIKE
CS
RM

N
Feet
0 50 100 200 300 400
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.

N
W E
S

REZONING REQUEST
TAX MAP: 104, PARCEL: 116.03

July 28, 2016

CONSOLIDATED UTILITY DISTRICT
Rutherford County, Tennessee

Rutherford County Regional Planning Commission Staff Report

Planning Commission Meeting Date: October 10, 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 MTEMC'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.

This item was deferred at the Planning Commission's (PC) September 12, 2016 meeting in order to allow the applicant an opportunity to attend the next PC meeting. Staff expects the applicant to be in attendance for the October 10, 2016 meeting.

Attachments

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

16-A015

RM
RM
RM
Parcel in Question
Tax Map 093N, Group B,
Parcel 6.00
MURFREESBORO
VETERANS PKWY
FRANKLIN RD
HICKORY HILLS DR
RM - Medium Density Residential
In Question
Fire Hydrants
Feet
0 50 100 200 300 400

16-A015

N

0 50 100 200 300 400 Feet

In Question

Fire Hydrants

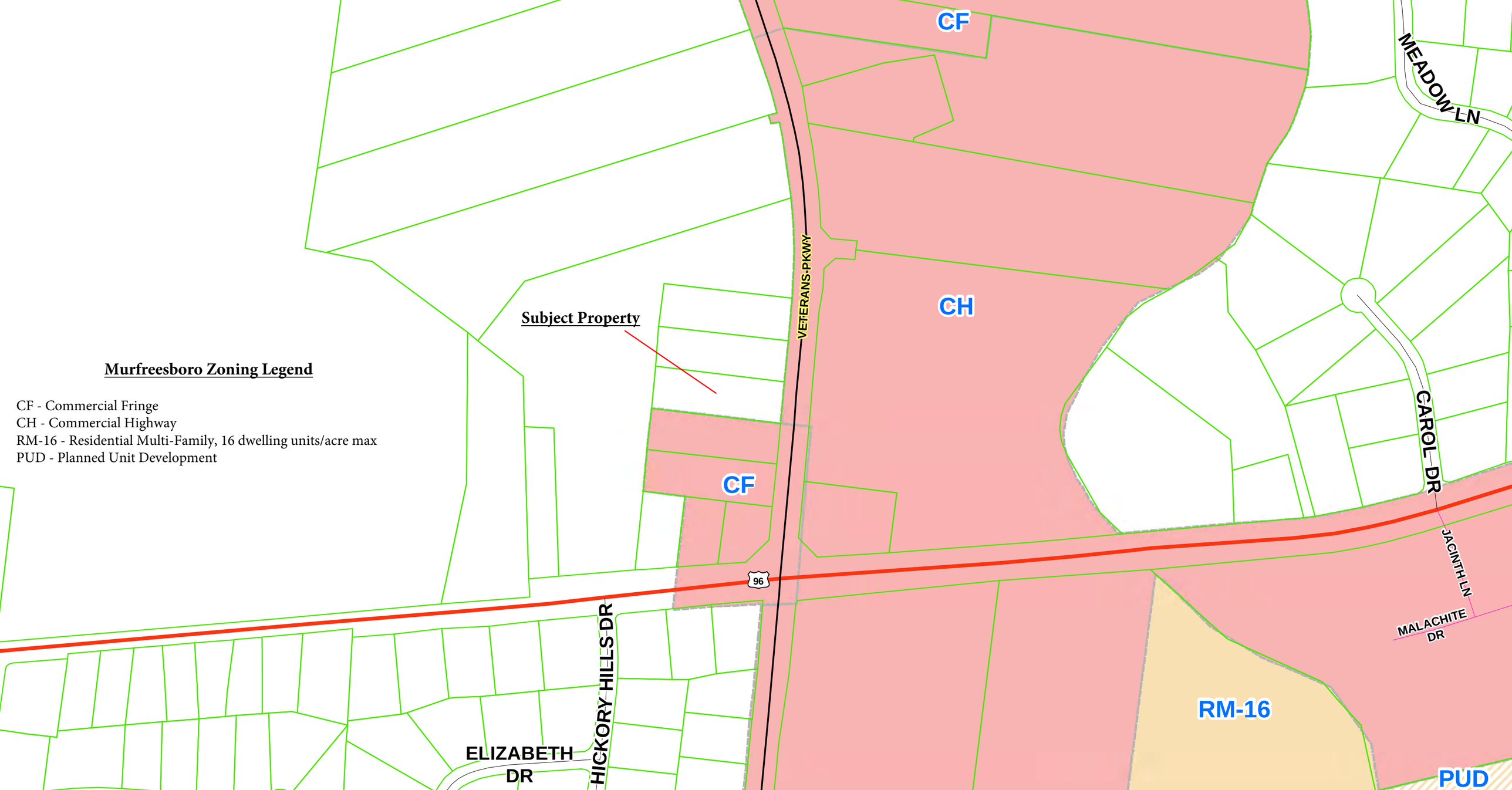
NOTES:
1) The subject property is located within the service boundary of Consolidated Utility District of Rutherford County (CUDRC) and is currently being served by CUDRC.
2) Any further development of the subject property beyond what currently exist's would require the OWNER/DEVELOPER to submit a Water 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 93N Group B Parcel 6.00

Date: 8/17/2016
Prepared by: CBH

N.T.S.

CONSOLIDATED UTILITY DISTRICT
Rutherford County, Tennessee


Murfreesboro Zoning Legend
CF - Commercial Fringe
CH - Commercial Highway
RM-16 - Residential Multi-Family, 16 dwelling units/acre max
PUD - Planned Unit Development
Subject Property
CF
CH
CF
RM-16
PUD
VETERANS PKWY
MEADOW LN
CAROL DR
JACINTH LN
MALACHITE DR
HICKORY HILLS DR
ELIZABETH DR
96

Rutherford County Regional Planning Commission Staff Report

Planning Commission Meeting Date: October 10, 2016

Case Number:	16-A016
Staff Recommendation:	**APPROVAL**
Request by:	Mark Jones, for Steel Barrel Brewing
Property Address:	6790 John Bragg Highway
Commission District:	6 – Joe Frank Jernigan
Urban Growth Boundary:	Rural Area

Applicant Request

Rezoning from Residential Medium-Density (RM) to Planned Unit Development (PUD) for a Brewery Facility

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: Vacant/Agricultural

Adjacent Uses: Existing Community Assembly use to the west (Church). Residential/agricultural on all other sides

Adjacent Zoning: RM on all sides

Size of Tract: Approximately 82 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 (FAR). John Bragg Highway is also classified as an Urban Corridor which recommends non-residential densities of .9 FAR.

Proposal supported by Comprehensive Plan

Staff believes that this request is generally in conformance with the County's Comprehensive Plan. Non-residential uses are contemplated along Urban Corridors. This use is unique in the fact that most of the site will remain as agricultural use. There are also a number of ancillary activities that the applicant is proposing that make it compatible with the rural nature of the area.

Infrastructure

Roads: John Bragg Highway/US 70 is a 4-lane, divided ditch section road that has approximately 250 feet of right-of-way. There is a TDOT traffic count approximately one and one-half miles to the west between Coleman Road and Mt. Hermon Road that identifies a 2015 count of 13,620 vehicles per day.

Utilities: According to information from Consolidated Utility District (CUD), there is an existing 20-inch water line fronting the subject property along John Bragg Highway.

Fire Protection: The closest fire hydrant (Blue Top) is located along the frontage of the subject property. 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 Steel Barrel Brewery, a facility similar to the Arrington Vineyards in Williamson County according to the applicant. From the applicant's pattern book:

> "The initial project will be to create a 15,000 sf. brewing facility and associated parking areas. The brewing facility will provide space for the brewing of craft beers, a tap room for beer sampling and sales, a sensory room, and labs. These labs will be for a new Fermentation Program at Middle Tennessee State University starting in the Fall of 2017. This partnership will allow for students of the program to utilize the brewery's facilities to learn about the science of fermentation and the brewing industry. The facility will also grow and cultivate its own hops on-site for the brewing of the craft beers.
>
> The majority of 82.40 acres of property will remain as agricultural or open space. Roughly 45% of the southern portion of the property will remain unchanged to be utilized as a livestock pasture for cattle. The central portion of the property will be for the brewery facility and amenities to be offered to visitors. Along with the fields for growing dwarf hops. The effluent water produced by the on-site STEP system, will be utilized for irrigation of the hops grown for the brewing process."

The applicant also identifies a number of amenities and outdoor programs for visitors and guests, such as a Par-3 Challenge golf hole, disc golf and an outdoor venue. Additional information on the project can be found in the applicant's Pattern Book.

Since this is a unique use that is not specifically identified in the Zoning Ordinance, Staff requested that the applicant consider using a planned development approach. Staff has also requested the applicant review the standards for Retreats since weddings and other events have been listed as potential future uses.

Access & Parking: The applicant plans to improve the existing entrance along John Bragg Highway for this project. There is also an existing median cut in the center of the property along John Bragg Highway. Parking spaces would have to be built to current County standards, including paving.

Landscaping: The applicant is preserving as much existing landscape material on the property as possible. Most of the property will also remain undisturbed and will be used for agricultural purposes, such as crops for hops and grazing land. Staff has asked the applicant to provide more information on the level of buffer they are striving for, especially along the western property line, where the proposed buildings are located.

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.

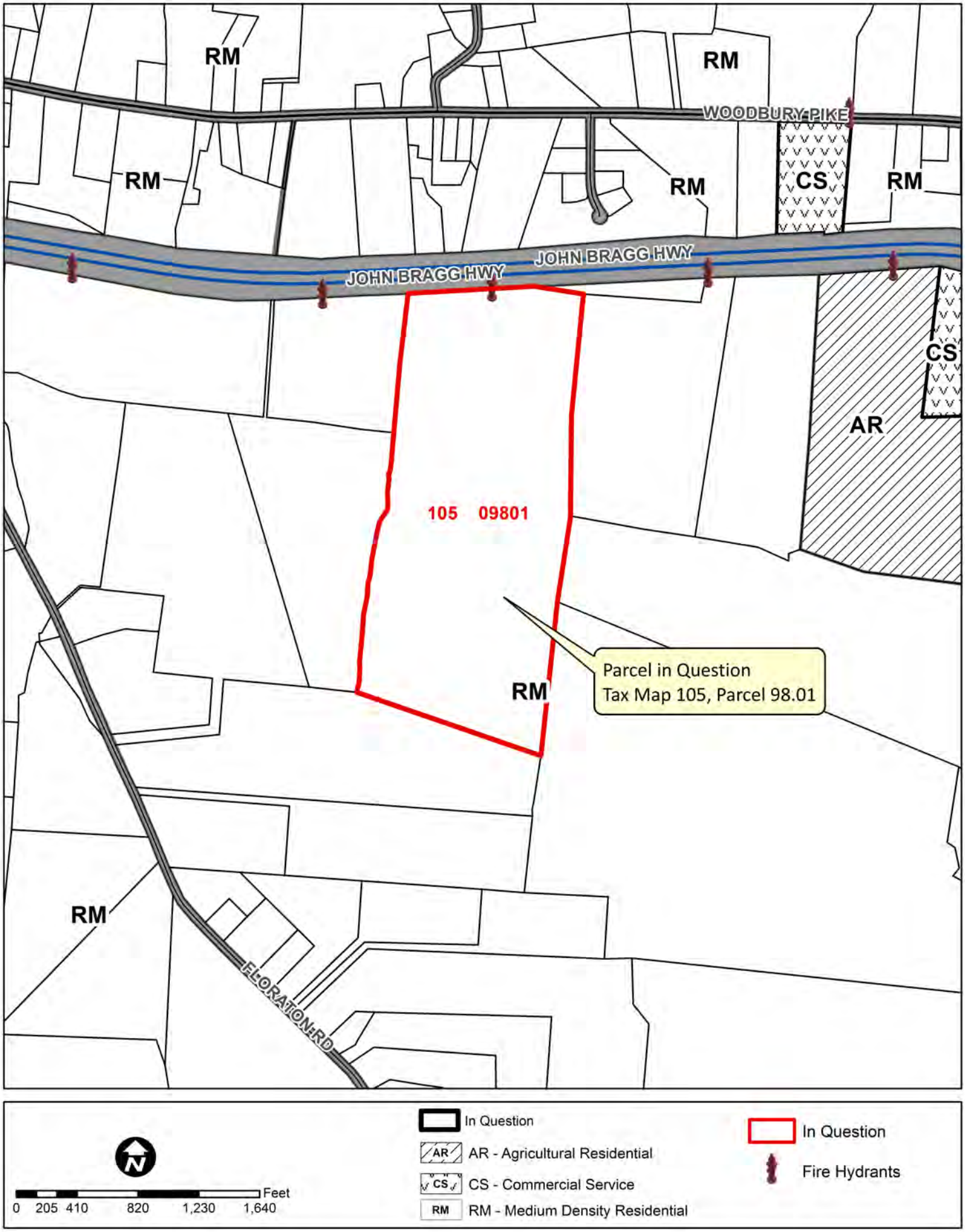
Staff Recommendation

Overall, Staff is comfortable with this application. This is a large piece of property that will remain largely undisturbed with the exception of the proposed buildings and parking area. The remainder of the site will be used for agricultural purposes. The property is located along John Bragg Highway, which has been identified as an Urban Corridor in the Comprehensive Plan, and does contemplate non-residential uses. Although this is a non-residential use, Staff feels that the project has been designed to remain compatible with the rural nature of the area. Staff recommends approval.

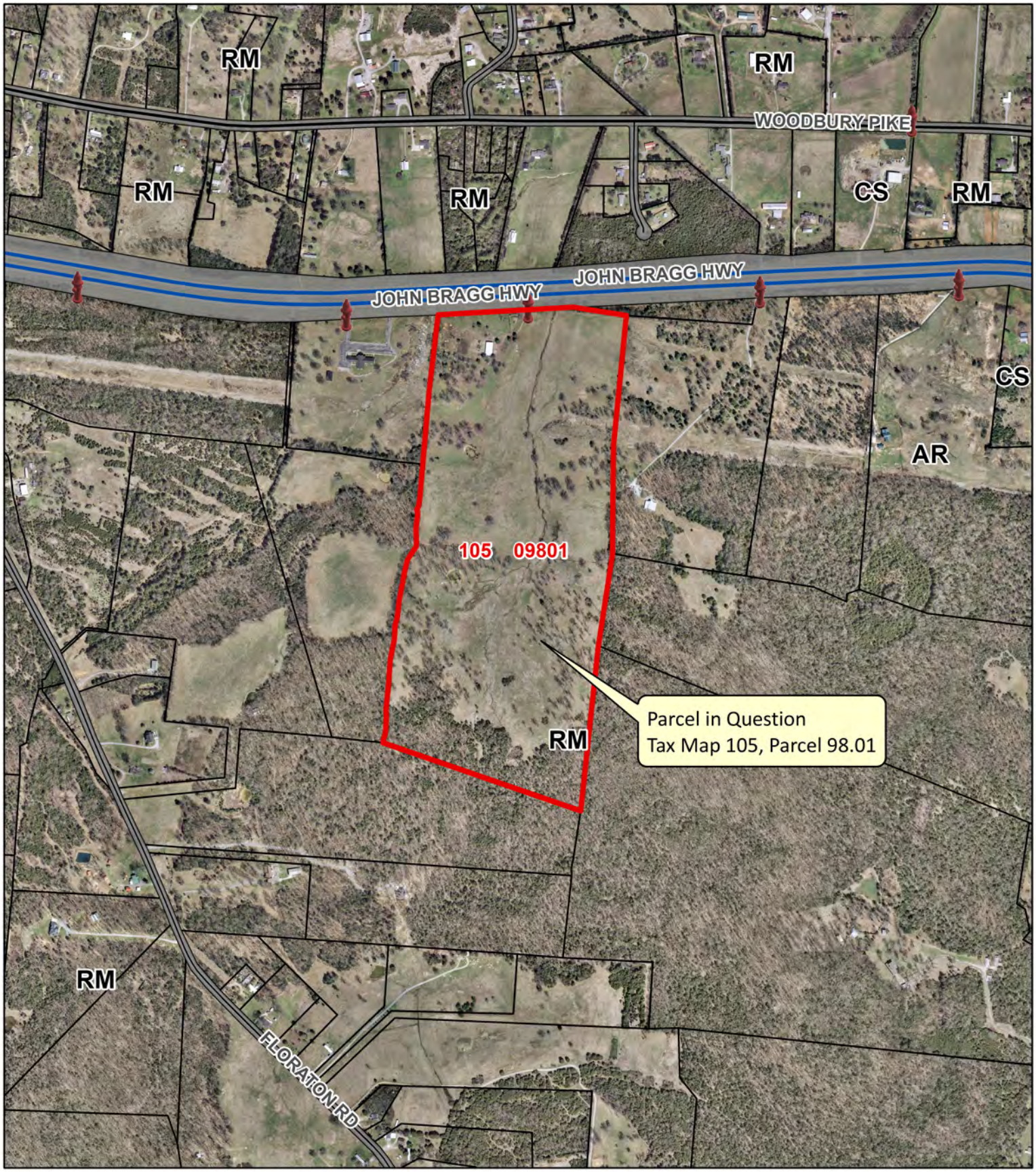
Attachments

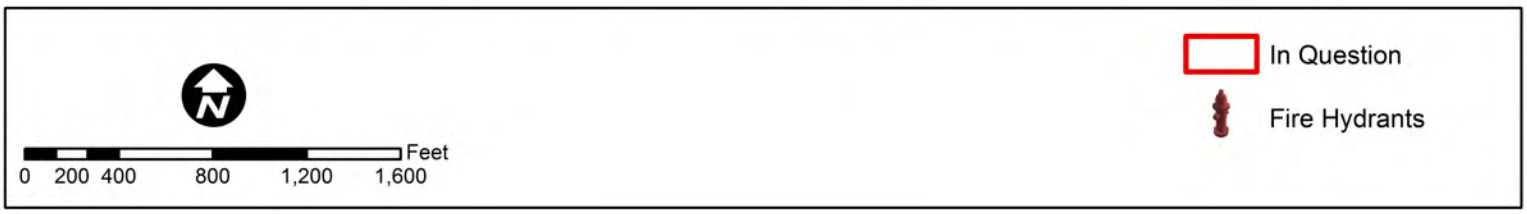
Zoning Map
Aerial Map
Water Line Map from CUD
Concept Plan
Pattern Book (Separate Attachment)

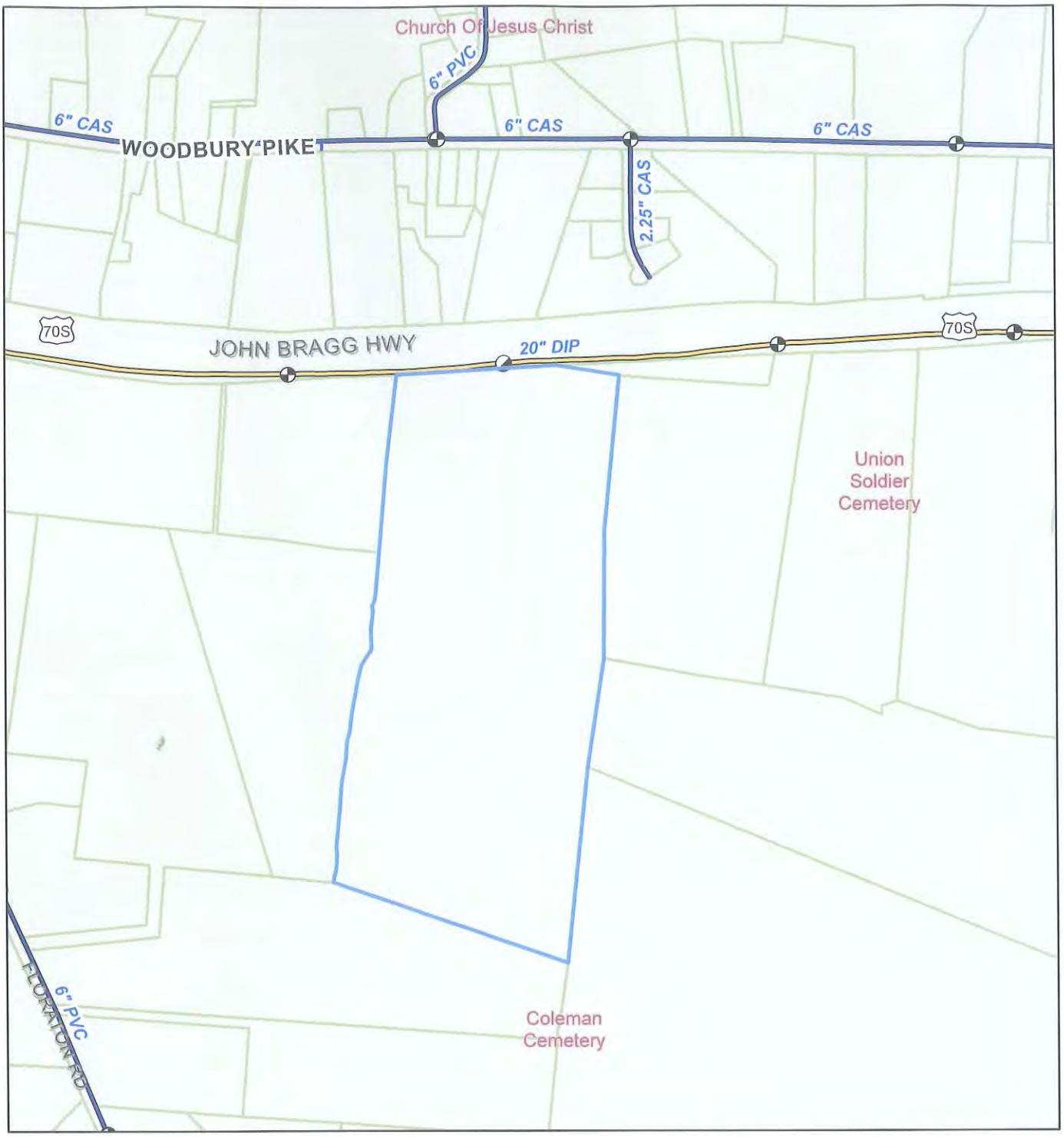
16-A016


RM
RM
WOODBURY PIKE
RM
RM
CS
RM
JOHN BRAGG HWY
JOHN BRAGG HWY
CS
AR
105 09801
Parcel in Question
Tax Map 105, Parcel 98.01
RM
RM
FLORATON RD
Feet
0 205 410 820 1,230 1,640
In Question
AR - Agricultural Residential
CS - Commercial Service
RM - Medium Density Residential
In Question
Fire Hydrants

16-A016


RM
RM
WOODBURY PIKE
RM
RM
CS
RM
JOHN BRAGG HWY
JOHN BRAGG HWY
CS
AR
105 09801
RM
Parcel in Question
Tax Map 105, Parcel 98.01
RM
FLORATON RD


N
Feet
0 200 400 800 1,200 1,600
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.

N
W E
S

REZONING REQUEST
TAX MAP: 105, PARCEL: 12.02

SEPTEMBER 15, 2016

CONSOLIDATED UTILITY DISTRICT
Rutherford County, Tennessee

STEEL BARREL BREWERY

CONCEPTUAL SITE PLAN 'A'
RUTHERFORD COUNTY, TN
SEC Project #16222

LAND USE DATA:

TOTAL LAND AREA:	±82.40 ACRES
TOTAL OPEN SPACE	±79.20 ACRES (96.12%)
REMAINING OPEN SPACE	±21.01 ACRES (25.51%)
LIVESTOCK PASTURE	±40.00 ACRES (48.54%)
AGRICULTURAL FIELDS	±11.35 ACRES (13.77%)
STEP FIELD & DETENTION	±6.84 ACRES (8.30%)
LENGTH OF NEW DRIVEWAY:	±2,176 LF

- Proposed Brewery Facility (15,000 S.F.)
- Future Silos and Tanks Pad (1,000 S.F.)
- Future Building (5,625 S.F.)
- Parking Spaces (128 Spaces) and 24 Ft. Drive
- Delivery Area
- Future Service Drive
- Proposed Livestock Pasture (±40.00 Acres)
- Proposed Agricultural Fields (±11.35 Acres)
- Proposed Step Fields and Detention (±6.84 Acres)
- Existing TVA Easement
- Existing Farm Pond
- Existing House
- Existing Barn
- 117 Yard Par 3 Contest
- Disc Golf Hole (#1 - #9)
- Fence

- *Submittal Date: September 9, 2016 for October 10, 2016 Rutherford County Planning Commission*

SEC, Inc. SITE ENGINEERING CONSULTANTS
ENGINEERING · SURVEYING · LAND PLANNING
LANDSCAPE ARCHITECTURE
850 MIDDLE TENNESSEE BOULEVARD MURFREESBORO, TENNESSEE 37129
PHONE: (615) 890-7901 WEB: WWW.SEC-CIVIL.COM FAX: (615) 895-2567

Rutherford County Regional Planning Commission Staff Report

Planning Commission Meeting Date: October 10, 2016

Case Number:	16-A017
Staff Recommendation:	**APPROVAL**
Request by:	Joni Cook
Property Address:	Couchville Pike
Commission District:	3 – Will Jordan
Urban Growth Boundary:	Smyrna UGB

Applicant Request

Rezoning from Residential Medium-Density (RM) to Office Professional (OP)

Purpose of District

This class of district is designed to provide for low intensity office development and compatible commercial uses such as small retail and business service uses with a minimum of objectionable characteristics in appropriate locations. This district may be used as a transitional zone between residential and intense commercial areas. Permitted uses are those which tend to attract small numbers of people and generate lower volumes of traffic. Less building bulk is permitted and more open space is required.

Site Characteristics

Current Zoning: RM

Current Use: Vacant

Adjacent Uses: Single-Family uses on all sides. Most of these residences are on larger tracts of land

Adjacent Zoning: RM on all sides

Size of Tract: Approximately 12 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 (FAR). Couchville Pike is also classified as a Rural Scenic Corridor which recommends non-residential densities of .1 FAR.

Proposal supported by Comprehensive Plan

Non-residential uses are contemplated in the Suburban Character Area and also along Rural Scenic Corridors.

Infrastructure

Roads: Couchville Pike is a 2-lane, ditch section road that has approximately 50 feet of right-of-way. There is a TDOT traffic count approximately one mile to the east/southeast close to Barnett Road that identifies a 2015 count of 2,627 vehicles per day. There are no improvements for Couchville Pike identified on the County's Long-Range Transportation Plan.

Utilities: The property is within the jurisdiction of the Gladeville Utility District. According to information provided by the Utility, there is an existing 6-inch water line fronting the subject property along Couchville Pike.

Fire Protection: There is not a fire hydrant within 1,000 feet of the subject property. However, information from Gladeville Utility District indicates that the water line in the area can support a fire hydrant. 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: According to information submitted by the applicant (See attached description with this report), they are proposing to rezone the property in order to construct a facility for the Lantern Lane Farm Counseling Center. The applicant received approval for a similar program at her home located at 6201 Corinth Road, just to the east of the subject property. A copy of the Board of Zoning Appeals Staff Report and recorded conditional use permit have been included with you agenda materials. This type of use would fall under the Medical Services Activity Classification, which is allowed by-right in the Office/Professional (OP) District.

The project will be built in three phases. The first phase will be the offices, horse stables and a parking area. Phase Two will include a covered area. Phase Three will include a living space for the caregiver of the facility. The applicant has provided a rough sketch plan of the property showing the proposed location of the buildings and parking area.

Access & Parking: Access will be directly onto Couchville Pike. Access drives and parking spaces would have to be built to current County standards, including paving.

Landscaping: The site is heavily treed. Properties zoned OP are required to have a Type I Buffer adjacent to RM-zoned property. Staff feels that there is sufficient tree material to meet the buffering requirements. That being said, confirmation will need to be demonstrated at the site plan review stage if this rezoning request is approved.

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.

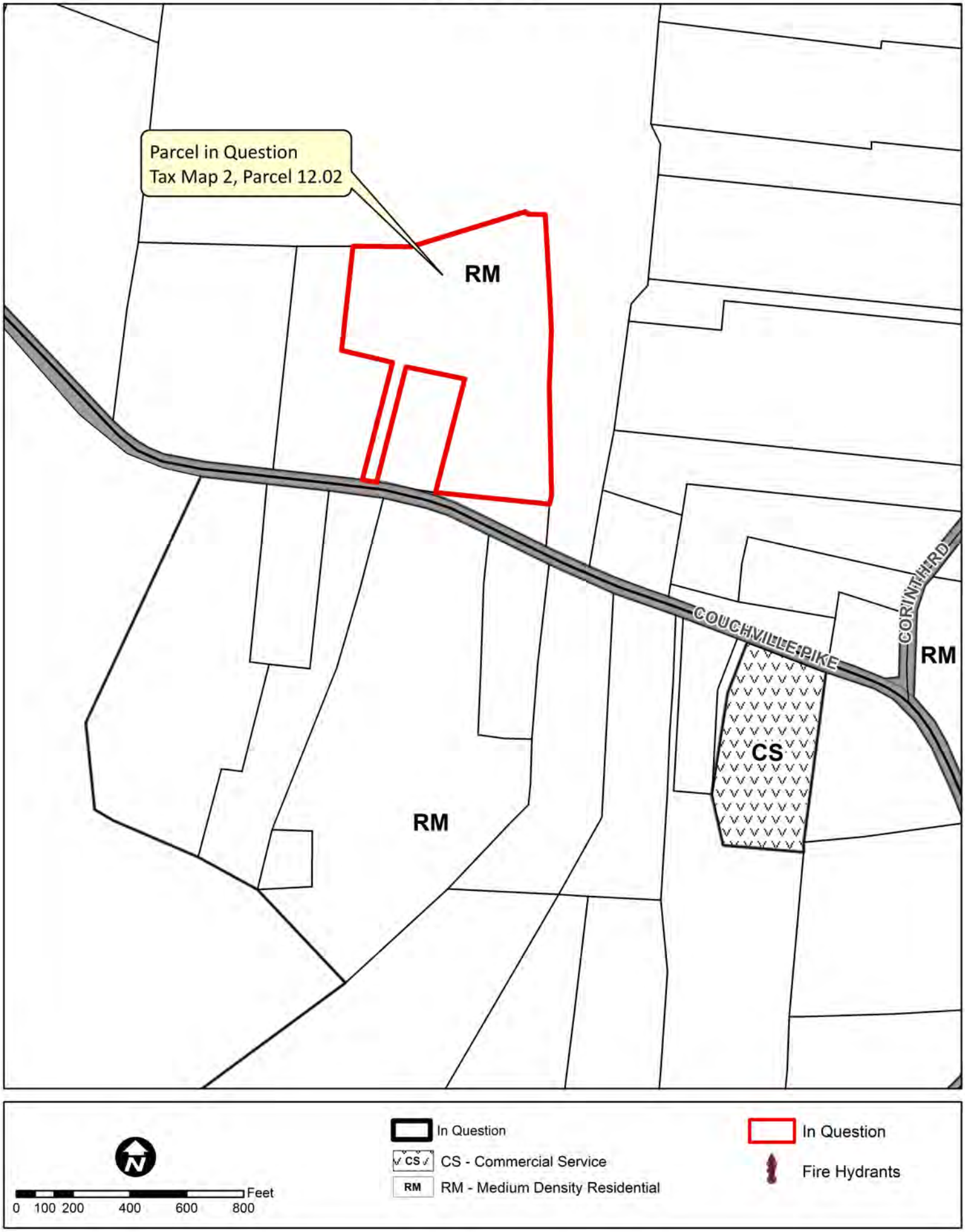
Staff Recommendation

OP zoning typically acts as a transitional zoning between residential areas and more intense commercial areas. There is a CS zoned property less than 1,000 feet to the east of the subject property. The proposed business is also very similar to what was approved as a conditional use permit at the applicant's residence along Corinth Road. Even if the proposed business does not ultimately occupy the property, OP zoning is more limited in the allowable uses than the commercial zones are. Staff recommends approval.

Attachments

Zoning Map
Aerial Map
Applicant's Submittal Materials
Board of Zoning Appeals Staff Report and recorded Conditional Use Permit for 6201 Corinth Road

16-A017


Parcel in Question
Tax Map 2, Parcel 12.02
RM
RM
RM
CS
COUCHVILLE PIKE
CORINTH RD
Feet
0 100 200 400 600 800
In Question
CS - Commercial Service
RM - Medium Density Residential
In Question
Fire Hydrants

16-A017

In Question

Fire Hydrants

0 100 200 400 600 800 Feet

To Whom It Concerns,

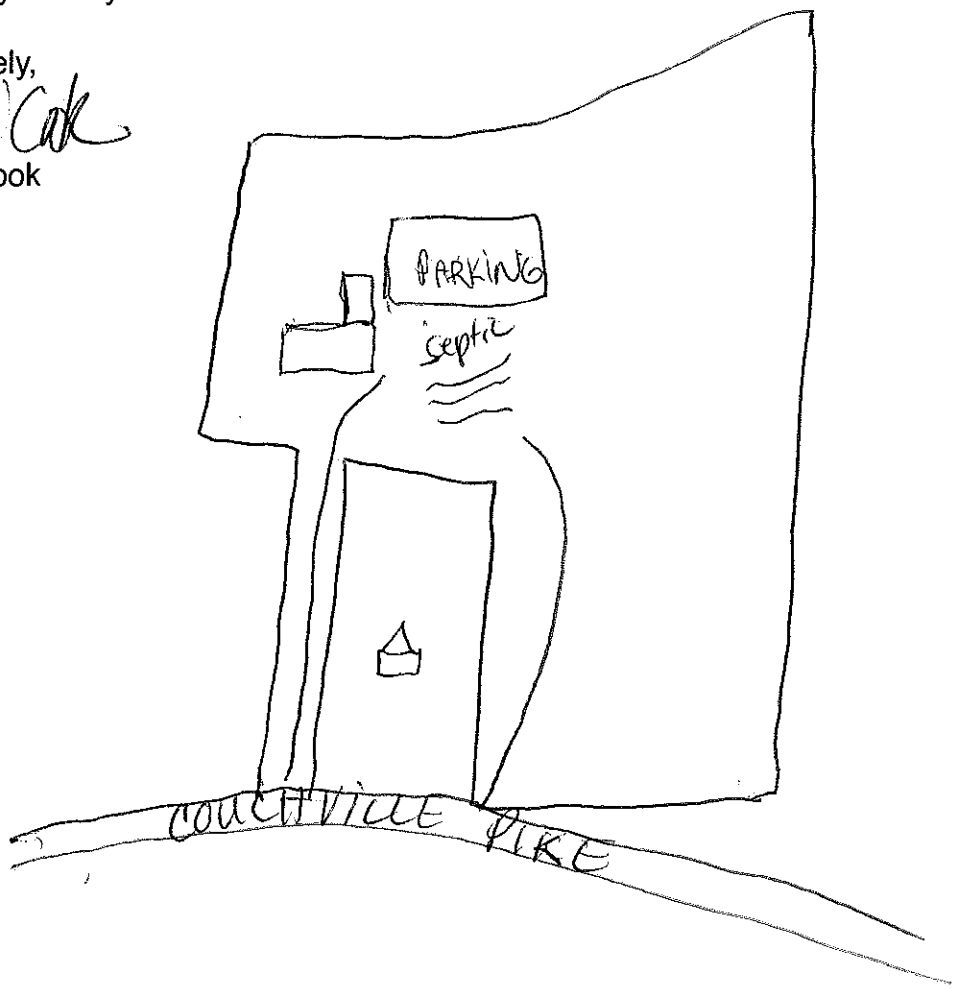
I am submitting an application for re-zoning on a property that my husband and I own on Couchville Pike in Mt. Juliet. It is our intention to build a facility on this property for the Lantern Lane Farm Counseling Center that will house the therapists that are already seeing people at 6201 Corinth Road, Mt. Juliet, TN 37122 for Equine Assisted Psychotherapy and traditional counseling. Our organization is also leasing space at 1901 Logue Road, Mt. Juliet, TN 37122 because of the need in our community for our services. We have grown from 3 therapists to 9 therapists and we need more space to bring both the horses and the therapists together in one location.

We are proposing to build a structure on the property at Couchville Pike in three phases. The first phase will be offices, stalls for horses, a driveway and parking area, the second phase will include a covered arena and the third phase will include a living space for the caregiver of the facility. Before being able obtain financing for this project we need the zoning on the property to be changed from RM to OP. There are already commercial properties in our area within less than 1/4 a mile of this property.

Thank you for your time and consideration.

Sincerely,

Joni Cook



Heather Dawb[illegible] Register
Rutherford Co[illegible] Tennessee
Rec #: 685469
Rec'd: 10.00 Instrument #: 1767873
State: 0.00
Clerk: 0.00 Recorded
Other: 2.00 2/24/2012 at 3:30 PM
Total: 12.00 in
Record Book 1113 Pgs 3252-3252

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

RUTHERFORD COUNTY BOARD OF ZONING APPEALS
TYPE II CONDITIONAL USE PERMIT

CASE NUMBER:	2012-004	**DATE:**	February 8, 2012
OWNER:	Ralph and Joni Cook		
APPLICANT:	Ralph and Joni Cook and Lantern Lane Farm, Inc.		
PROPERTY ADDRESS:	6201 Corinth Road		
TAX MAP:	2	**PARCEL NUMBER:**	4.09
RECORD BOOK:	390	**PAGE NUMBER:**	668
COMMISSIONER:	Will Jordan		
COMMISSIONER DISTRICT:	3	**CIVIL DISTRICT:**	1
ZONING DISTRICT:	Residential-15		

PROPOSED USE: Conditional Use Permit permitting equestrian activities to include counseling/therapy services using horses and other animals, the establishment of a retreat for rest and recovery, and construction of a barn containing office space in the Residential-15 zone with variance relief to the total square footage for detached accessory structures proposed for the non-agricultural areas located within the barn.

CONDITIONS:

1. All signage must comply with Article 20 of the Rutherford County Zoning Resolution.
2. The conditions expressed in Conditional Use Permit BZA 2005-046 shall remain in effect.
3. A variance to the maximum square footage for detached accessory structures is granted for the office areas planned to locate within the proposed barn structure.
4. In the event of a written complaint, the Planning Department shall review this Conditional Use Permit. If the complaint is found to be valid, the Board of Zoning Appeals shall review this Permit.

Record Book
1113 Pg 3252

E. Danielle Glouner, Planner

Witness My hand and official seal at Murfreesboro, Tennessee, this 23rd day of February, 2012.
My Commission Expires: 4-22-12 Terri Neely Bradford
Notary Public

TERRI NEELY BRADFORD Notary Public Large RUTHERFORD COUNTY, TN

Joni Cook., Applicant/Owner

Witness My hand and official seal at Murfreesboro, Tennessee, this 23rd day of February, 2012.
My Commission Expires: 4-22-12 Terri Neely Bradford
Notary Public

TERRI NEELY BRADFORD Notary Public Large RUTHERFORD COUNTY, TN

Ralph Cook, Applicant/Owner/Registered Agent for Lantern Lane Farm, Inc.

Witness My hand and official seal at Murfreesboro, Tennessee, this 23rd day of February, 2012.
My Commission Expires: 4-22-12 Terri Neely Bradford
Notary Public

TERRI NEELY BRADFORD Notary Public Large RUTHERFORD COUNTY, TN

M E M O R A N D U M

Rutherford County Regional Planning Commission

DATE: **JANUARY 26, 2012**

TO: Board of Zoning Appeals

FROM: Planning Staff

RE: CASE NO: 2012-004

APPLICANT: Ralph and Joni Cook and Lantern Lane Farms, Inc.

PROPERTY OWNER: Ralph and Joni Cook

COMMISSIONER: Will Jordan

ADDRESS: 6201 Corinth Road

LOT SIZE: 16.9 acres

CURRENT ZONING: Residential-15

MAP NO.:2 PARCEL: 4.09

REQUEST: **AMEND A CONDITIONAL USE PERMIT PERMITTING EQUESTRIAN ACTIVITIES TO INCLUDE COUNSELING SERVICES USING HORSES AND OTHER ANIMALS, THE ESTABLISHMENT OF A RETREAT FOR REST AND RECOVERY, AND CONSTRUCTION OF A BARN CONTAINING OFFICE SPACE IN THE RESIDENTIAL-15 ZONE WITH VARIANCE RELIEF TO THE TOTAL SQUARE FOOTAGE FOR DETACHED ACCESSORY STRUCTURES.**

Background

Application 2012-004 seeks to amend a conditional use permit [BZA 2005-046], which permitted horse boarding, riding lessons, shows and allowed the construction of a second residence on a single lot of record subject to the following conditions:

- There shall be no limit to the number of horses the owner may keep of her own on the property. There shall be a limit of ten (10) spaces rented for boarding horses owned by other persons; and
- Facilities shall be provided to allow the loading and unloading of horses on site; and
- Riding lessons, by appointment only, and other horse related events are permitted on the subject site; and
- All abovementioned requirements and conditions shall be installed and completed within 90 days from the date of the Board of Zoning Appeals approval, unless otherwise stated; and
- The conditional use permit shall be recorded within 30 days from the date of approval; and
- The conditional use permit shall be reviewed in two years; and

- In the event of a written complained, the Planning Department shall review this Conditional Use Permit. If the complaint is found to be valid, the Board of Zoning Appeals shall review this Permit. If the Board revokes the permit, the revocation can be appealed to the Rutherford County Board of Commissioners.

A variance was also granted as part of BZA 2005-046 allowing a gravel parking lot with no continuous curbs or wheel stops and no screening and relief was granted from the development standard requiring a fire hydrant within 1000' of a development.

Though the original conditional use permit fails to mention that the principal activity of providing counseling services was approved, the Applicant states that their intention to establish this type of use was discussed at length during the public hearing before the Board of Zoning Appeals in 2005. It was with the knowledge that the horses were used for the provision of counseling services that the Board voted to approve BZA 2005-046.

The amendment requested in Application 2012-004 is to allow the continuance of the principle activity of providing counseling services using horses but to extend the services to include the use of other animals when offering those services. The second residence, which was permitted by the original conditional use permit, is now permitted by right as stated in Section 13.01 of the Rutherford County Zoning Resolution. This residence has been used as a retreat used by clients of the Applicant and serves as an ancillary use to the principal activity.

As part of the request, the Applicant wishes to construct a barn measuring 220' x 95' upon the property with an attached living space measuring 30' x 60'. The barn will also house approximately 6,000 square feet of administrative office area. The Applicant has stated that the total building area mentioned as part of this Application represents the maximum square footage needed for the established and requested uses and the construction of the planned improvements may occur in phases. Though the proposal to construct a barn and attached living space would normally not require any special zoning approval, permission to use 6,000 square feet of barn area for administrative office area to serve the principal activity established is being sought. The barn itself is exempt from the maximum square footage limits for detached accessory structures, however, a variance to the 2,500 square foot limitation is needed for the administrative office area located within the barn. It should be noted that the proposed office area would require the review of site engineering plans and approval by the Planning Commission.

Article VII, Section 7.02, "Standards of General Applicability", lists six standards each application for a conditional use permit must meet. Those six conditions and Staff's recommendations are discussed below:

A. "That the proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare."

The seventeen-acre site is located in a neighborhood that is rural in nature with agricultural and residential uses present. Apart from the construction of a barn with an attached dwelling, the Applicant intends to maintain the property in its current state. The Applicant indicates that the subject property has previously been used for the boarding of horses and counseling services granted approval in BZA 2005-046. In consideration of this, Staff finds that adverse effects are not expected that would affect the character of the neighborhood or affect public health, safety, and general welfare.

B. "That the proposed building or use will be constructed, arranged, and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations."

The construction of an agricultural barn would typically be exempt from zoning requirements; however, the proposed barn will contain administrative office area requiring zoning review as well as site plan review and approval by the Planning Commission. The Applicant intends to use the property in a manner that is consistent with prior established uses of the property as an agricultural property offering counseling services using horses. Since the administrative office area will be located in a structure that will be constructed to appear as a barn and could easily be converted to agricultural uses should the proposed use be abandoned, Staff finds that approval of Application 2012-004 should not interfere with the development and use of adjacent properties in accordance with the applicable district regulations.

C. "That the proposed building or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water, and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services."

The site is accessed via Corinth Road, a two lane County Road. Existing parking areas, which were granted a variance for surface materials in BZA 2005-046, are more than sufficient for the provision of parking for the proposed uses. Gladesville Utility District provides water to the site. A variance to the fire hydrant development standard requiring a fire hydrant within 1000' of the property was granted in 2005. It should be noted that documentation from the utility district serving the proposed site indicating its ability to serve the proposed site and approved uses will be required during the site plan review process.

D. "That the proposed building or use will not result in the destruction, loss, or damage of any features determined by the Board to be of significant natural, scenic, or historic importance."

Staff is not aware of the presence of significant natural, scenic, or historic importance features on the subject site.

E. "That the proposed building or use complies with all additional standards imposed by the Board."

The conditional use if approved shall remain in compliance with the Rutherford County Zoning Resolution. The Board may wish to place language in the Order of Action to insure

that the proposed use is compatible with the surrounding area as well as guarantee that conditions provide clear and concise directions for the continued enforcement/review of the use if approved. Possible conditions the Board might consider are:

- *All signage must comply with Article 20 of the Rutherford County Zoning Resolution.*
- *The conditions expressed in Conditional Use Permit BZA 2005-046 shall remain in effect.*
- *A variance to the maximum square footage for detached accessory structures is granted for the office areas planned to locate within the proposed barn structure.*
- *In the event of a written complaint, the Planning Department shall review this Conditional Use Permit. If the complaint is found to be valid, the Board of Zoning Appeals shall review this Permit.*

F. "All sinkholes are to be protected as permanent open space. Therefore, all uses must take care not to generate additional runoffs into a sinkhole or cause excess sediment to reach the sinkhole."

The information provided in Application 2012-004 does not indicate the presence of sinkholes on the site.

Staff finds that Application 2012-004 generally meets the criteria for a Conditional Use Permit if the above conditions are continually met. Staff recommends APPROVAL of the request to amend a Conditional Use Permit permitting equestrian activities to include counseling services using horses and other animals, the establishment of a retreat for rest and recovery, and construction of a barn containing office space in the Residential-15 zone with variance relief to the total square footage for detached accessory structures.

Rutherford County Regional Planning Commission Staff Report

Planning Commission Meeting Date: October 10, 2016

Case Number:	16-A009
Staff Recommendation:	**APPROVAL**
Request by:	Beverly DeLong
Property Address:	8461 Franklin Road
Commission District:	20 – Trey Gooch
Urban Growth Boundary:	Murfreesboro UGB

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: Existing Single-Family
Adjacent Uses: Residential on all sides
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 non-residential densities of up to .2 floor/area ratio (FAR). Franklin Road is also classified as an Urban Corridor which recommends non-residential densities of up to .9 FAR.

Proposal supported by Comprehensive Plan

Yes. The Comprehensive Plan does contemplate non-residential uses within Suburban Character Area and along Urban Corridors.

Infrastructure

Roads: Franklin Road/State Route (SR) 96 is a 2-lane, ditch-section road that has approximately 60 feet of right-of-way. The County's Long Range Transportation Plan shows a future widening of Franklin Road to five lanes. Staff will explore the possibility of any right-of-way needs for this eventual widening. The closest traffic count to the subject property is located approximately 1/2 of a mile to the west of the subject property. The location (Station 51) shows a 2015 count of 5,717 trips per day.

Utilities: According to Consolidated Utility District (CUD), there is a 6-inch water line to service the property along Franklin Road.

Fire Protection: According to information provided by CUD, there is a fire hydrant located at the intersection of Franklin Road and Puckett Road, which is about 800 feet to the west of the subject property. Any development will be required to adhere to the adopted fire codes for Rutherford County.

Stormwater: No portion of the subject property is impacted by the 100-year floodplain, as delineated by the Federal Emergency Management Agency (FEMA). The County's Engineering Staff has stated that the drainage area downstream from this property is volume sensitive. 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 since this application is not for residential uses.

Background/Proposal Details

Background/Proposed Use: The property was the subject of a rezoning request in August of 2015. The applicant was requesting Commercial Services (CS) zoning for the eventual use of a self-storage facility. Following the public hearing, the Planning Commission recommended denial by a unanimous vote. The minutes of that meeting have been included with your agenda materials. The applicant withdrew the application following the Planning Commission's meeting.

The applicant has submitted a new application for an identical use (Self-Storage) but is doing so as a PUD as opposed to conventional zoning. The pattern book has been included with your agenda materials as a separate attachment. The concept plan shows only a portion of the property being used for the self-storage business, approximately five acres, as opposed to the entire property (Approximately nine and one-half acres). The plan is to develop 100 units initially, with an ultimate buildout of approximately 300 units. Additional buildings will be added when the existing units are 80 percent occupied. Complete buildout will be in three to five years. Hours would be from 8:00 AM to 8:00 PM with possible seasonal adjustments and would employ between one to three people. The existing house will remain and will be used for an office.

There were a number of concerns brought up by the neighbors at the July 11, 2016 Planning Commission meeting. Those concerns included traffic concerns, safety, and the appropriateness of non-residential zoning on the south side of Franklin Road. A copy of the minutes from this public hearing are included with your agenda materials. Following the public hearing, the applicant collected information regarding the concerns brought up at the meeting. The applicant expressed a desire to return to the Planning Commission to address the concerns in more detail, as they were unprepared to do so at the July 11, 2016 meeting. Since the matter had already been considered by the Planning Commission, Staff advised that the best course of action would be to withdraw their existing application and resubmit in order to start the process anew. While applications denied before the Board of Commissioners have to wait at least six

months to reapply, this does not apply to applications only recommended for denial. Therefore, this application has in effect "started over" and is being brought back before the Planning Commission.

Access & Parking: Access to the property was originally shown off of Baltimore Road. Staff had some concerns as to the feasibility of this access, as Baltimore Road is a private drive and would requirement significant improvements for commercial use. When the current application was submitted, the access from Baltimore Road was removed and access was shown off of Deer Run Road, which is a public right-of-way as it fronts the subject property. A neighborhood meeting was held on April 18, 2016. Several of the property owners along Deer Run Road objected to the new access point. After discussion, the applicant agreed to move the access to Franklin Road, using the same access as the existing house.

The applicant's engineer has completed a sight-visibility study, which has been included with your agenda materials. Staff has also visited the site and with proper modifications to the existing access drive, sight distance should be adequate.

Landscaping: The pattern book shows a Type 2 Buffer along the perimeter of the property. It also appears that buildings along the eastern and western property lines will be used as part of the buffering requirements.

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. The site will be bound by these standards.

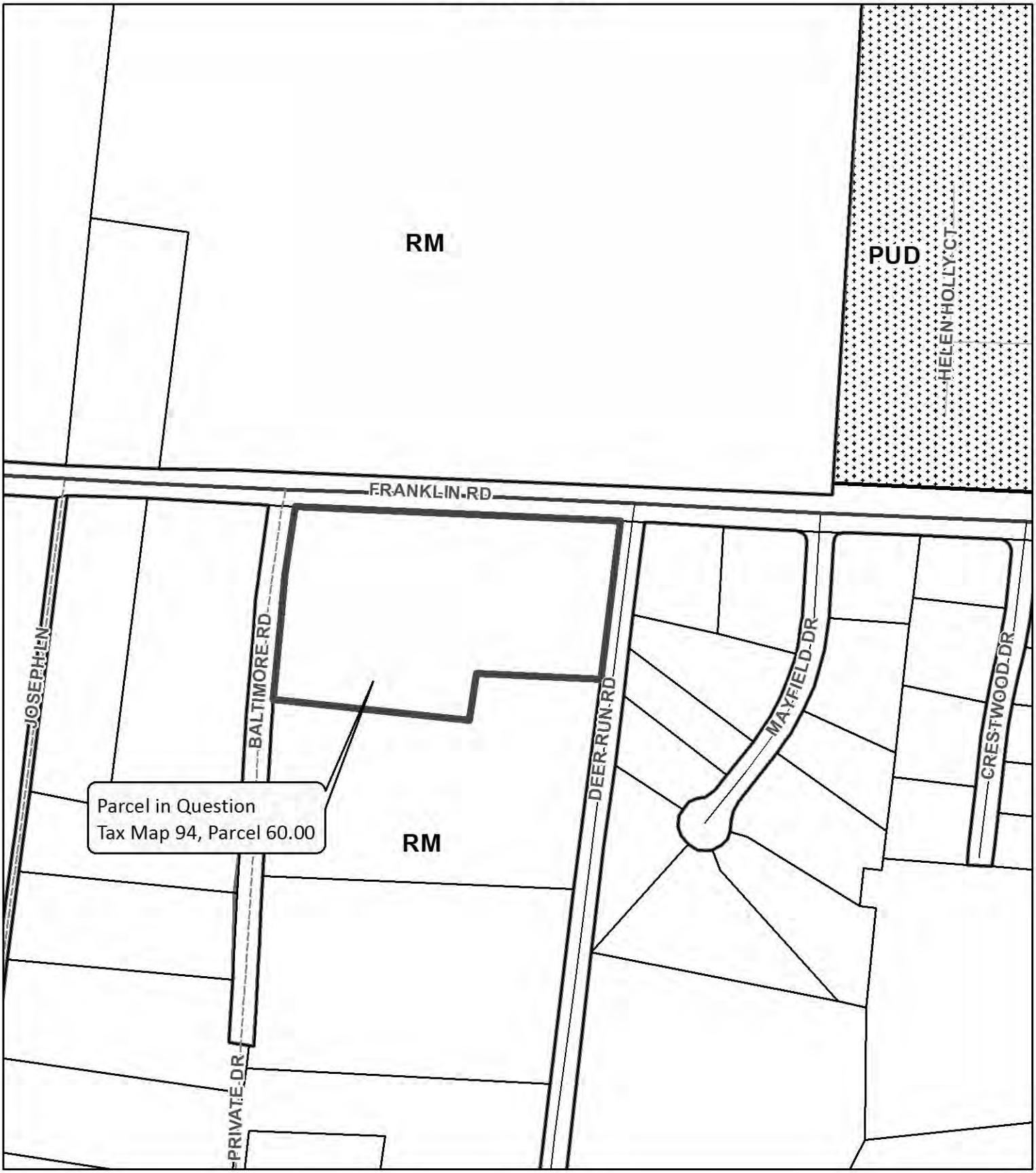
Staff Recommendation

The applicant has tried to be sensitive to the concerns of those who live in the surrounding area. Staff does have concerns about the proposed access but feels that improvements can be made to alleviate those concerns. Staff recommends approval.

Attachments

Zoning Map
Aerial Map
Water Line Map from CUD
Minutes from August 10, 2015 Meeting
Minutes from July 11, 2016 Meeting
Sightline Study
Pattern Book (Separate Attachment)

16-A009



RM - Medium Density Residential

PUD - Planned Unit Development

In Question

Fire Hydrants

Feet

0 50 100 200 300 400

16-A009

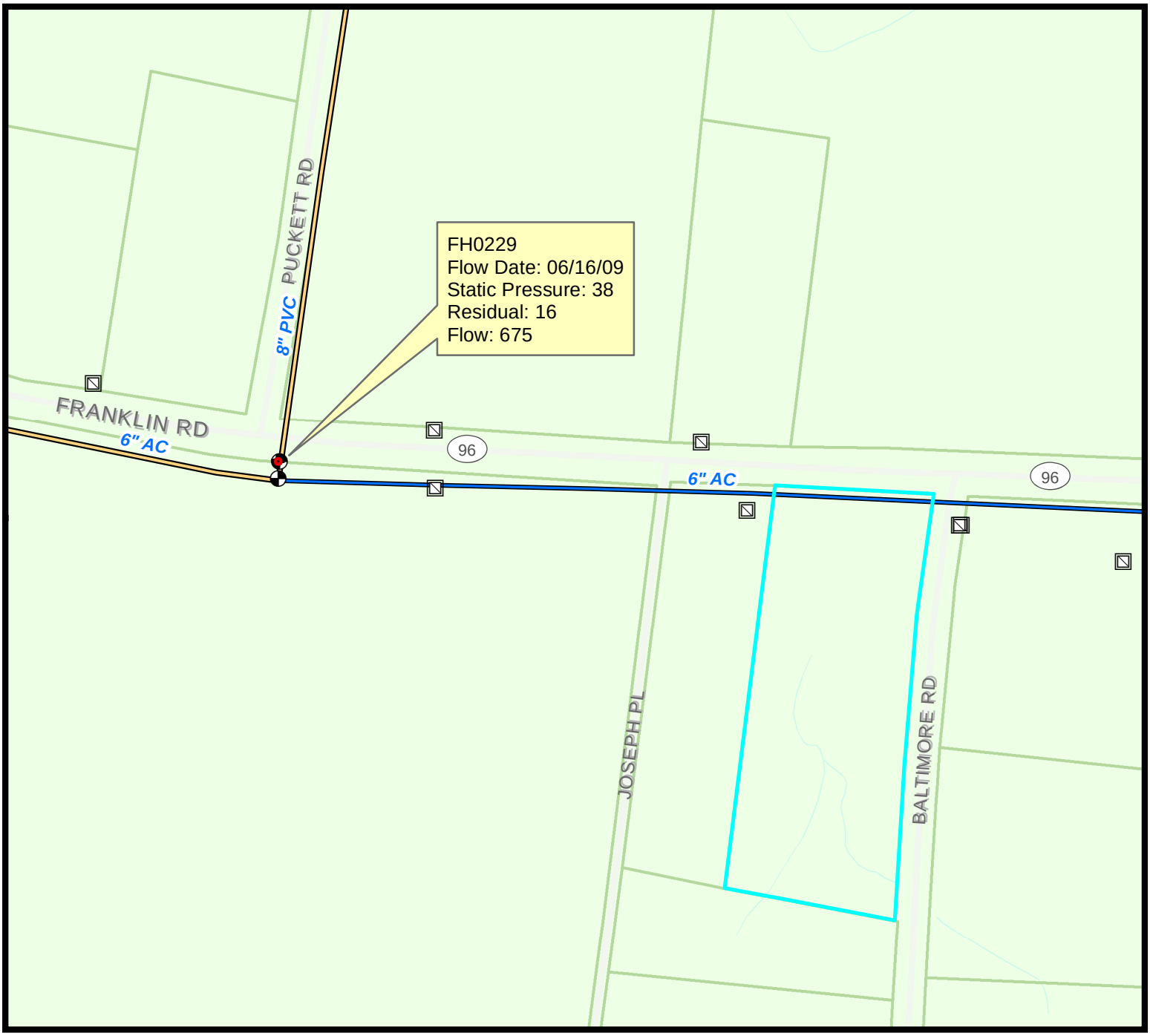
N

0 50 100 200 300 400 Feet

In Question

Fire Hydrants

Rezoning Request
Tax Map 94, Parcel 60.00



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.

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

N
W E
S

CONSOLIDATED UTILITY DISTRICT
Rutherford County, Tennessee

Minutes from August 10, 2015 PC Meeting (Portion Only)

B. BEVERLY DELONG (15-A008)
Doug Demosi presented and said that the applicant is requesting to rezone from RM to CS and wishes to do so in order to establish mini-warehouses. That type of facility is only allowed by special exception in the CS zone and they would need to go to the Board of Zoning appeals. He said that the concept plan has been revised since its submission. He outlined several concerns that Staff had, including the road needing improvement and the need for a traffic study due to the traffic in the area. They are showing some right-of-way dedication on the west side but not on the east. He also said that they may have problems with any effective soil sites. He said the applicant has spoken with some of the residents in the area. He also said there is some commercial zoning to the west, but nothing right by the site.

Veronica Buchanan asked which area is going to be affected with the widening of the road. Doug said that he didn't think there is any design yet so it's difficult to say but he would anticipate they would need right-of-way on both sides. Veronica asked if they have a back-up site for their soils. Doug said the plan only shows one but they may not need a lot.

Steve Sandlin asked how many residents are living down Baltimore Road. Doug said about 5-10. Doug further said the reason that this was deferred last month was because their original application was only for one portion of the site but the applicant decided they wanted to rezone the whole site.

Jeff Phillips opened the public hearing.

Beverly Delong came forward with Trent Smith, her civil engineer. She gave a video presentation of her request for mini storage.

Will Jordan asked if she is planning on leaving the house on the property. She said the house would remain there and possibly be used for an office.

Amy Baltimore of 356 Baltimore Road spoke and said that she represents the Baltimore Road area and Deer Run and Coleman Hill. She asked for a show of hands of those she is representing. She said they are all opposed to the request due to the water shed being disturbed, flooding, safety concerns with traffic, and that is a private road and they do not wish to give up any rights to that and would not want their current way of life affected. She also said there is no room for a turnaround for bigger vehicles in that area and water lines would also need to be added. She also stated that they had concerns if the property is zoned to Commercial Services, what would stop the owner from selling and something new coming in. She gave a copy of a petition with 103 signatures of those in the area that are opposed to the rezoning, including Trey Gooch.

Bruce Colvin of Deer Run Road spoke and asked those who live on Deer Run Road to stand. He said they are opposed to the request and have concerns with the same things that Ms. Baltimore stated.

Chris Moore of Franklin Road spoke and said his property is directly adjacent to the site and he is opposed because of the same reasons others stated and because it is right next door and this would cause noise, lighting and privacy issues.

Mike Hughes spoke regarding the drainage in the area and said there would have to be a comprehensive drainage study if this were approved.

Kathleen Runger of Deer Run Road spoke and said that part of the wetlands are on her property. When it rains it floods their front yard and she is concerned this could flood them completely.

Robert Pope of Deer Run Road said he is opposed to the commercial zoning in this location.

Jennifer Sullivan of Baltimore Road said she is opposed due to the concerns already stated and especially about traffic safety and privacy.

Heather Macarone of Deer Run Road, a real estate appraiser, said this would affect property values and safety is a definite concern.

Jeff Phillips closed the public hearing.

Steve Sandlin thanked the community for coming.

Steve Sandlin moved, seconded by Mike Kusch to Deny the Rezoning Request due to traffic concerns, sinkholes and water drainage, and private roads, no turn around, safety and other concerns. The motion carried by voice vote (11 for, 0 against).

Will Jordan announced that this will also go to the Board of Commissioners Thursday, September 17th with the recommendation for denial.

Buffering is not required by the Zoning Ordinance and there is a significant amount of open space. Staff is very comfortable with this development. There was a neighborhood meeting last week and those in attendance seemed comfortable with the request. He said there were some concerns about the intersection of Walnut Grove Road and Shelbyville Pike. Doug gave a video presentation of the site, including the pattern book.

Rhonda Allen said that usually blue on plans indicates a blue line stream and she wants to know if that is what the blue on this plan is indicating. Mike Hughes said that it is the buffer to the blue line stream and to the west is the flood plain and flood way. Rhonda said these are very small lots, are we looking at the width on cul-de-sacs for the STEP systems? Doug said those can be set for the PUD and they would have to submit those plans to CUD for the required distances for STEP.

Jeff Phillips opened the public hearing.

Jamie Reed spoke and went over the site and the proposed development pattern book. He said more than 50% of the site will be green space or open space.

Jeff Phillips closed the public hearing.
Craig Lynch moved, seconded by Mike Kusch to Approve the Rezoning. The motion carried by voice vote (10 for, 0 against).

D. Beverly DeLong Rezoning from RM to PUD (16-A009)
Doug Demosi presented and gave the history of the rezoning request. In August of 2015 the applicant was requesting commercial zoning. The property has a portion on both sides of Baltimore Road. The access was directly from Baltimore Road and ultimately the Planning Commission recommended denial and the applicant eventually withdrew their request prior to it going to Board of Commissioners. They have now submitted a new application for an identical use but as a PUD. He said that the concept plan shows only a portion of the property, the property on the west side of Baltimore Road is no longer a part of this proposal. The plan is to develop 100 units and to add more when the existing units are 80% occupied with the total units being about 300. Access on Baltimore Road was something Staff had concerns about and the applicant agreed to move the access to Deer Run Road, which is a public right of way. There was a neighborhood meeting on April 18, 2016 and the neighbors had objections to the Deer Run Road access. The applicant then agreed to move the access to Franklin Road. A site visibility study was done and from the driveway and Staff did visit the site as well, and it does appear that site distance is adequate. There is a Type 2 buffer proposed and the building would also be used as screening. Overall we do have concerns about access but feel that improvements could be made during the development of the property.

Jeff Phillips opened the public hearing.

Brick Murphree spoke as a representative for Ms. Delong and gave the history of the proposal for the site.

Clyde Rountree of Huddleston Steele spoke and also went over the history and the new concept plan book.

Amy Baltimore of Baltimore Road spoke and brought up a petition from the neighbors in the area. She thanked the parties involved for the changes they made but said that they still don't

feel that this is the right place or time for this development. They have concerns with traffic and safety and wanting to keep the community private and rural. Also, they have concerns with what they call the "goat lot" and what problems that will cause in the future when it is developed. She also talked about the commercial businesses in the area being non-service related. She said that there are many mini storage facilities in the area and asked if we really need more. She said that last night there was a family that was looking at the lot for sale on Baltimore Road, but when we told them about the proposed mini storage their faces visibly fell.

Clyde Rountree returned and said he wants to respond to Ms. Baltimore's concerns. He said as far as traffic, a mini storage is probably one of the smallest impacts from traffic. As far as does the area need a storage unit, I believe it does, I believe there is a need and the developments that are coming in, in that area are going to increase that need. On the "goat lot" there is no intention to put storage units on that lot. He said he feels that they have worked with the neighbors a lot to accommodate them.

Beverly Delong spoke and said that she wants to address a couple of the things that Ms. Baltimore brought up. She said that there is definitely a need in this area. According to statistics, it is time to rebuild when a storage facility is 85 percent full. Most facilities in the area are 98 percent full. With the growth in this area, there is definitely a need. She said there is a whole neighborhood that is coming in almost across the street. We are trying to be pro-active. She said that the traffic impact is going to be significantly less than talked about. She said that she wants to reiterate that we have no plans to develop the "goat lot." If we did decide that we wanted to do that in the future we would have to come before you again. The lighting would all be wall packs so the lights are pointed inward and there are also barrier walls. I don't see that as a concern. She said this is her dream and she said they did an impact study and it showed that this area could support 300 to 600 units.

Michael Graham of 1120 Deer Run Road spoke and said that he has a concern that he had before Ms. Delong purchased the property. Pulling out of Deer Run Road, he cannot see Ms. Baltimore pulling out of Baltimore Road. He has to count cars to be able to pull out. He said he doesn't see this helping.

Heather McArone of 226 Deer Run Road said she wants to reiterate what Mr. Graham said and you cannot see. She also has to count the cars coming down the road because you can't see them in the valley. She said the traffic goes so fast on State Route (SR) 96 that is very easy to miss a turn and she could see someone looking for a storage unit missing it and then trying to turn around at the next road which is Baltimore Road and it does not have a good place to turn around for a U-Haul. She also said that she is an appraiser and this will affect property values.

David Tenpenny of 1186 Deer Run Road spoke and said he has the same concerns regarding the traffic on SR 96 and why there would not be a turn lane for this. He also said that he and many others have tried to reach Commissioner Trey Gooch on several occasions and no one can reach him. His voicemail box is always full. He doesn't really know what our concerns are. He did meet with us a couple of times but it was very brief.

Chris Moore of 8597 Franklin Road said he owns the lot next to the goat lot. He said that he would like to remind everyone that we haven't had time to get signatures this last time because the sign just went up last week but the last time before that we had over 100 signatures from neighbors with concerns regarding this. Traffic safety is a big concern. He commended Mr. Murphree on listening to their concerns but they still have them.

Doug Demosi said that the zoning sign for this went up on June 29th on the same day that notices went out.

Mike Kusch asked Mike Hughes about the turn lane; what would determine if that would be added or not. Mike said that would be determined during the site plan phase. They would be asked to show a truck turning template in and out of the site safely. He said that the concerns are correct, the curve to the west, cars do visually disappear and is a concern.

Rhonda Allen said she was looking at the notes from the last meeting where it was denied and she said it talks about there needs to be a comprehensive drainage study done because there are wetlands in the area and sinkholes. Is that with the acreage we are looking at today? Mike said the pond itself and the natural drainage area; we would have to determine if that is actual wetlands. He said he didn't see any sinkholes.

There was further discussion on the turnaround area as well.

Rhonda asked if TDOT looks at the commercial access points differently than residential. Mike said yes, the State requires that we look at it and look at the safety turning movements and then they will look at it. It's a two-step process.

Chip Pinion said he is still trying to discern how this one is different from the original to make him change his mind. He said we are still talking about a large storage unit in the middle of a residential area.

Doug said on the Comprehensive Plan the closest node is on Almaville Road. He noted several subdivisions near the site and other establishments and their zonings. He said this area is designated as an urban corridor.

Mike Kusch asked does it seem a bit odd to anyone else that someone is going to be living in the middle of a bunch of storage units in the house on the site. Doug said it is not uncommon for there to be a manager to live on site at this type of establishment.

Mike said can we add a contingency that we need a review of a turn lane. Mike Hughes said we could. Mike said he understands why the neighbors don't want the entrances on their roads but Franklin Road seems the worst case scenario.

(Some of the speech here is inaudible.)

Mike Hughes said Baltimore and Deer Run are not any better. You cannot see out of them well either. Mike said turn lanes would definitely help.

(Some of the speech here is inaudible.)

Mike Kusch moved, seconded by Craig Lynch to Approve the PUD based on the development of turn lanes on Highway 96 for both ingress and egress to the property and subject to staff comments.

Doug Demosi said that as far as requesting additional items being added to the development, due to it being a PUD that can be done. Highway 96 is a state road and they would make the final decision on turn lanes, so that would override anything we or the motion says. If they say

no, you cannot put them in, you can't. If they say no, we won't fund it, the developer would be responsible.

Lee Bogle said can we approach it as a change in alignment and lower that hill. You could do an improvement and it may end up being cheaper if TDOT would approve it. Regardless it would be up to the developer. I don't think the turn lanes are very likely.

Charlotte Peay said if this was proposed next to the commercial development down the road she would have no problem with it. But with the location and the safety of the road in this area, it's a hard thing.

Rhonda Allen said she won't be voting for this. She doesn't see enough changes in it from the original proposal to warrant it. She always look at the highest and best use for the property and due to where it is, how its designed, the potential drainage issues, traffic safety issues, the residential nature of the community she won't be supporting it.

Will Jordan said several years ago we got into trouble for "getting into the turn lane business" and I think we are supposed to let the State determine these things and he is concerned about a motion with wording with or without turn lanes. He won't be voting for this.

Mike Kusch said he will withdraw his motion and Craig Lynch said he would withdraw his second.

Jeff Phillips asked Josh McCreary how the motion would be affected if TDOT says no turn lanes. Josh explained the history of turn lane motions and how this may need to be worded. Jeff said, so we need to have the motion be turn lanes to be done only if approved by TDOT.

(Speech here is inaudible)

Josh said I'm viewing it as a condition of the PUD.

Doug Demosi said assuming this is approved and then the State says we are not going to allow turn lanes, one of the requirements in the pattern book would not be able to be met and the applicant would then have to come back and get approval for the amendment to the plan because it is a major deviation.

(Speech here is inaudible)

Chip Pinion asked if they can withdraw the motions made. Josh said yes, but let me say, I think what Doug is saying is correct, we would be adding an amendment to the PUD pattern book, so the zoning goes down, you can't undo that later without another application. That is a peculiar situation that could be created there.

Mike Kusch removed his motion and Craig Lynch removed his second.

Chip Pinion moved, seconded by Rhonda Allen to deny the PUD. The motion carried by voice vote (10 for, 0 against).

Mike Kusch said the reason he gave his original motion was due to safety concerns with the site distance, not the development itself.

HUDDLESTON-STEELE
ENGINEERING, INC.
2115 N.W. Broad Street • Murfreesboro, TN 37129 • Engineering 615-893-4084 • Surveying 615-890-0372 • Fax 615-893-0080

May 4, 2016

Mr. Doug Demosi, Planning Director
Rutherford County Regional Planning Commission
One Public Square
Murfreesboro, TN 37130

Re: Sight Distance Study
Murfreesboro Self Storage
State Route 96
Rutherford County, Tennessee

Dear Doug:

Huddleston-Steele Engineering, Inc., is pleased to present this summary of our Sight Distance Study for the Murfreesboro Self Storage on State Route 96 in Rutherford County, Tennessee.

The Murfreesboro Self Storage is to have a proposed access onto State Route 96 in front of the site between Deer Run Road to the east and Baltimore Road to the west. More specifically, this access is proposed at the top of a small hill at the mailbox for 8461 Franklin Road (State Route 96).

A Sight Distance Study was performed at this proposed access location on State Route 96 to determine if enough sight distance is provided at the subject intersection with State Route 96.

From visible observations and measurements at the proposed access location on State Route 96, approximately 1372 feet of sight distance exists to the west on State Route 96 and approximately 1301 feet of sight distance exists to the east (see Exhibit).

According to Tennessee Department of Transportation (TDOT) Standard Drawing RD01-SD-3, intersection sight distance for 45 MPH design speed for passenger vehicles is 500 feet (for 55 MPH it is 610 feet). According to TDOT Standard Drawing RD01-TS-3, stopping sight distance for 45 MPH design speed is 360 feet (for 55 MPH it is 495 feet).

Since the observed and measured sight distance existing exceeds the sight distance in TDOT tables, adequate sight distance exists for the proposed access onto State Route 96.

Please contact us if you have any questions or comments.

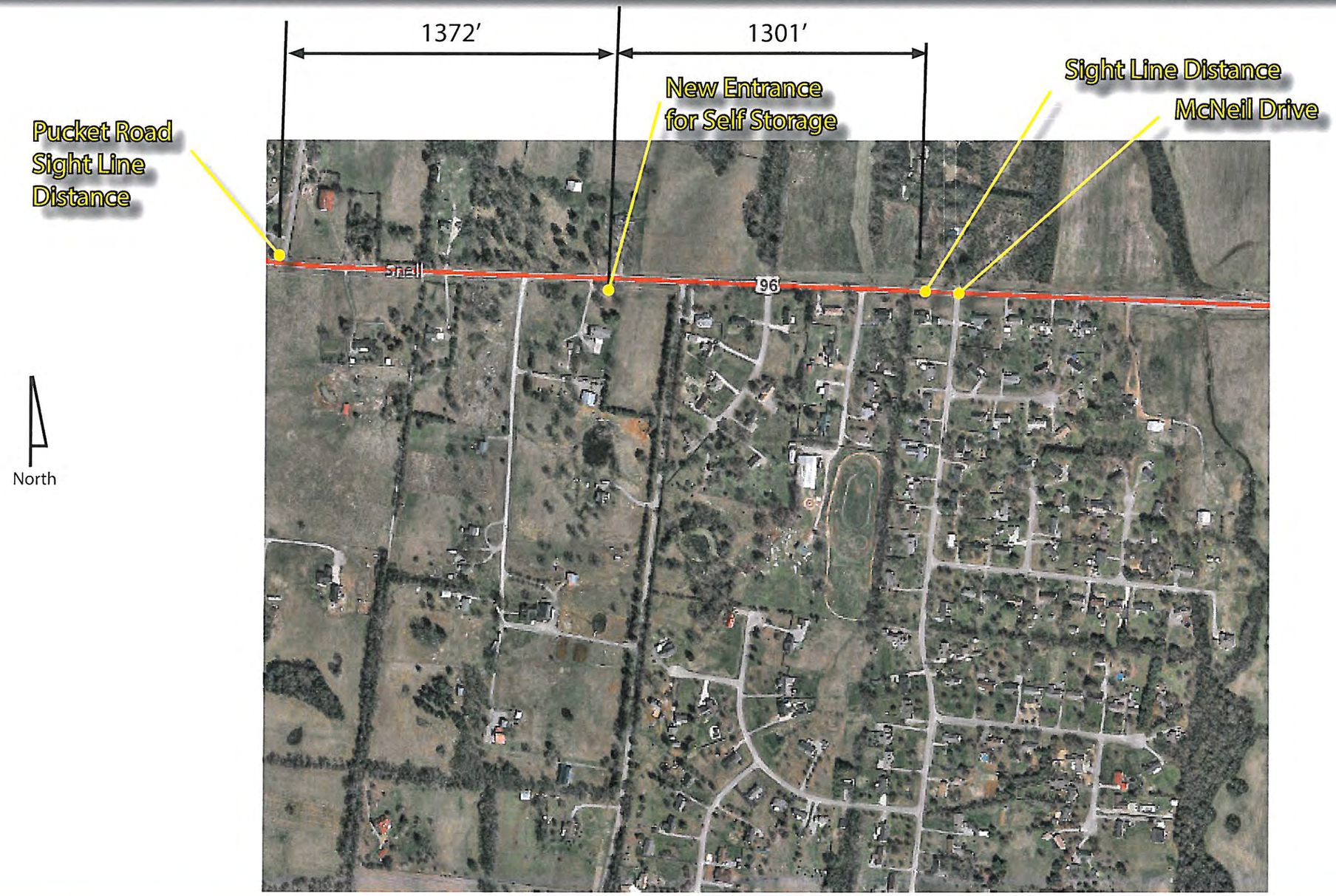
Sincerely,

HUDDLESTON-STEELE ENGINEERING, INC.

William H. Huddleston IV

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

5/4/16

SIGHT DISTANCE EXHIBIT

DELONG REZONING