

**CITY OF MURFREESBORO  
BOARD OF ZONING APPEALS**

Regular Meeting, February 26, 2020, at 1:00 p.m.  
City Hall, 111 West Vine Street, Council Chambers, 1<sup>st</sup> Floor

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**A G E N D A**

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1. Call to order
2. Consideration of minutes for the regular meeting on January 22, 2020
3. Old Business

*Special Use Permit Request*

- a. **Application Z-20-001 by Mr. Clyde Rountree of Huddleston-Steele Engineering, Inc., representing Enterprise Holdings, Inc.,** requesting a special use permit in order to establish a motor vehicle sales and rental facility on property in the Commercial Highway (CH) district located along the south side of Franklin Road east of Franklin Heights Drive (the subject property is also identified as Tax Map 092O, Group B, Parcel 00200).

4. New Business

*Variance Requests*

- b. **Application Z-20-005 by Mr. Matt Taylor of SEC, Inc., for Mr. Eric Blum,** is requesting a 19' variance from the minimum required 25' rear building setback for principal structures, as stated in Chart 2 (*Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios*) of the City of Murfreesboro Zoning Ordinance, for property located in the Residential Multi-Family (RM-16) zone at 627 East Street.
- c. **Application Z-20-006 by Mr. Matt Taylor of SEC, Inc., for RaceTrac,** is making the following requests regarding a proposed solid waste enclosure for property located in a Highway Commercial (CH) zone at the northeast corner of Shelbyville Pike and Tiger Hill (also identified as Lot 3 of the Wal-Mart Supercenter Subdivision and Tax Map 126, Parcel 02701):
  - A variance from Section 25(E)(5) of the City of Murfreesboro Zoning Ordinance, which states that, in commercial zoning districts,

accessory structures shall comply with the same front setback as is required for the principal structure.

- A 33' variance from the minimum required 42' front building setback in the CH zone, as stated in Chart 2 (*Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios*) of the City of Murfreesboro Zoning Ordinance;

*Special Use Permit Request*

- d. **Application Z-20-004 by Ms. Jennifer Thibodeaux, for Trinity Presbyterian Church**, is requesting a special use permit for the expansion of an existing institutional group assembly use (a church) in a Residential Single-Family (RS-15) zone for property located at 1020 North Rutherford Boulevard. The proposed expansion consists of a building addition and parking lot modifications.

*Special Use Permit Amendment Request*

- e. **Application Z-20-003 by Mr. Neil James, for Redeemer Classical Academy**, is requesting to amend special use permits that were approved by the Board of Zoning Appeals in July 2013, January 2014, and January 2015. The special use permits established an institutional group assembly use (a private school) in a Residential Single-Family (RS-10) zone for property located at 1503 Sulphur Springs Road. The approval of the January 2015 special use permit amendment was conditioned upon the requirement that all portable classroom buildings must be removed from the property no later than July 31, 2020. The applicant is requesting an amendment to the special use permits for a two-year extension to this deadline in order to allow the portable classroom buildings to remain on-site until July 31, 2022.

5. Staff Reports and Other Business
6. Adjourn

# Regular Meeting Minutes of the Murfreesboro Board of Zoning Appeals

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January 22, 2020 – 1:00 P.M.  
Council Chambers

## MEMBERS PRESENT

Ken Halliburton, Vice-Chair  
Tim Tipps  
Julie King  
Misty Foy

## MEMBERS ABSENT

Davis Young, Chair

## STAFF PRESENT

Jafar Ware, *Planner*  
David Ives, *Deputy City Attorney*  
Matthew Blomeley, *Assistant Planning Director*  
Brenda Davis, *Recording Assistant*

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Vice-Chairman Halliburton called the meeting to order at 1:00 P.M.

The minutes from the December 19, 2019 regular meeting were approved as submitted.

## New Business

### *Special Use Permit Request*

**Application Z-20-001** by Mr. Clyde Rountree of Huddleston-Steele Engineering, Inc., representing Enterprise Holdings, Inc., requesting a special use permit in order to establish a motor vehicle sales and rental facility on property in the Commercial Highway (CH) district located along the south side of Franklin Road east of Franklin Heights Drive (the subject property is also identified as Tax Map 0920, Group B, Parcel 00200).

Mr. Ware reviewed the application and staff comments. If the Board approved this request, Staff recommends the following conditions of approval:

- 1) The design of the gates will be subject to the final review and approval of the Planning Department to ensure that there are adequate turnaround areas for vehicles and to ensure that vehicles will not be forced to back out into the public right-of-way.
- 2) A privacy fence shall be required along the south and west property lines. The privacy fence shall not be a substitute for any of the standard Type E buffer yard

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plantings; rather, it shall be in *addition to* the standard Type E buffer yard plantings.

- 3) The landscaping screening plan for the overhead doors that are proposed to face the new public street shall be subject to final review and approval of the Planning Department prior to the issuance of building permits.

Mr. Blomeley said that the Planning Department received a revised site plan for this project at 11:00 A.M. this morning, which did not give Staff adequate time to review the revised site plan. Staff recommends that the Board, after conducting a public hearing, defer action until the February BZA meeting. Mr. Blomeley said no public hearing would be required at that meeting if we conduct the public hearing today, as advertised. He said the changes to the site plan weren't substantial enough to warrant another public hearing; however, there hasn't been adequate time for Staff to review the revised plans and, therefore, Staff feels unprepared to offer the Board guidance on the revised plan. Mr. Blomeley said the revised plan is what is before the members.

Mr. Tipps asked for the definition of a Type E buffer.

Mr. Blomeley said a Type E buffer is a 20-foot wide buffer and typically is required between single-family residential uses and industrial uses. He said it is the most densely planted and widest buffer. Mr. Blomeley said the Type A buffer is the smallest buffer and is 10-foot wide, and a Type E is 20-foot wide and would have the greatest volume of evergreen trees and shrubs.

Mr. Tipps verified this development would also have a privacy fence on the south and west side.

Mr. Blomeley said yes.

Vice-Chairman Halliburton asked if the applicant had anyone present to speak.

Mr. Clyde Rountree with Huddleston-Steele Engineering, representing the applicant, said the primary goal with this process is to make sure they are respecting the adjacent neighbors. He said as has been mentioned on both the western side and the southern side the Type E buffer is provided. He said there are typically two rows of evergreen trees and then two rows of evergreen shrubs, so it is very dense, and then they added a 6-foot privacy fence to provide a physical barrier. He said the original drawings showed a "wash-bay station" directly behind the main building but it was oriented in such a way that the overhead doors faced the public right-of-way. They were first under the impression they could buffer or screen them, but Enterprise wanted to make sure everyone was happy with the plans. Mr. Rountree said they took the wash-bay station and moved it to the lower southern portion on the left-hand side to get it behind the building. He said there is still a chance you would still be able to see the doors from the

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public right-of-way. Mr. Rountree has been working with Mr. Blomeley to move the wash-bay station to the right-hand side and that put it as far away from the adjacent neighbor as possible. He said the second change is they have the Dumpster on the very rear portion of the property and after review he moved it up a few bays, so it is no longer against the property lines. Mr. Rountree said they have met the criteria they feel is necessary for a car lot to be on this particular piece of property. He was available to answer any questions the Board might have specifically about the design. Mr. Bill Huddleston, the design engineer, and Mr. Preston Quirk, the architect, are present to answer questions as well.

Vice-Chairman Halliburton asked Mr. Rountree about car haulers coming in and out of this location. He sees on the site plan where the car hauler is supposed to park and asked if there is enough space for it to be able to unload.

Mr. Rountree said it is 150' X 25' and said they meet the criteria for the unloading zone. Mr. Rountree understands that any unloading should not impede on any of the normal traffic on-site. He said Enterprise does not run any car haulers as that is not part of their business model.

Mr. Halliburton asked Mr. Blomeley if the Board were to approve this special use permit would it be only for this applicant. He verified it can't be used for someone else that might purchase this property.

Mr. Blomeley said the special use permit runs with the property.

Mr. Blomeley said there are moving parts to this application and we received a revised plan two hours ago. He consulted with Mr. Rountree at the front counter yesterday, received a plan from him via e-mail at 5:15 yesterday afternoon which he responded to after business hours. Today, he received a revised plan addressing some of those comments at 11:00 a.m. this morning. Mr. Blomeley said it is not reasonable to expect Staff to be able to fully vet a plan with that little amount of time.

Ms. King said procedurally it would be appropriate for the Board to conduct a public hearing for those who have taken the time to be here today and then defer. She said the Board would not need to have a discussion on the matter unless they feel so moved. She said they could defer the discussion and approval of this until the next month when Staff can review it with the Board again.

Mr. Blomeley felt it would be appropriate for the Board to provide feedback at today's meeting prior to the deferral.

Ms. King asked if another public hearing would be required if the item was deferred.

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Mr. Blomeley said if Staff felt the application changed substantially and another public hearing was warranted, we would certainly do that. Based upon the plans that have been submitted, he does not think that would be the case. He said it is just a matter of having adequate time to review a plan before we come to a televised meeting where we are making decisions.

Ms. King verified that anyone present today would be welcome to come back to hear any further discussion but there would not be another public hearing.

Mr. Blomeley agreed adding it would be a public meeting but not a public hearing so people could attend and listen. He said the meeting will be televised so they can watch on TV as well.

Mr. Tipps asked Mr. Rountree what revisions were done within the past day that he didn't have prior to this meeting.

Mr. Rountree said the primary change was the wash-bay building orientation. Where the wash-bay was originally located, there was no parking on the rear of the building. He said that is the biggest change. Mr. Rountree said the Dumpster is the second change adding it has moved three times within the last week. The final location where the Dumpster is now is what Mr. Blomeley has not reviewed. He feels like the Dumpster is away from the property line enough where it is not in the way of any sort of circulation around the building. He also said his client asked him to do queuing lanes on this plan and Mr. Blomeley was not comfortable with that without further study. He said most of the front stayed the same and most of the changes took place on the rear portion of the development.

Vice-Chairman Halliburton opened the public hearing.

Mr. Joseph Plummer, 304 Franklin Heights Drive, said his home is up the road about half-mile from this project and they have lived there for 29 years. He said he opposed this car lot there that backs up into their neighborhood.

Ms. Marsha L. Richardson, Executer of the Estate of Lois Jean Richardson at 3088 Franklin Road, said she moved there when she was five years old and the house is 60 years old now as it was built in 1960. Ms. Richardson asked the Board to not approve this without a little bit more notice. She added they are the only property from I-24 on down to Paschal Drive that is still zoned Residential on Franklin Road. She said commercial is going to come out this way and she knows that and accepts that. Ms. Richardson knows things have changed but she would like to be apprised of this because it will have an impact on her property.

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Mr. Allen Holfield, 115 Franklin Heights Drive, said his property is located next door to the west side of the property. He had several questions and concerns. (1) He asked the hours of construction. He said when they built the Racetrac, they were working late into the night. He thinks Enterprise will be good neighbors and he too is trying to be a good neighbor. He was concerned about the impact of what it is going to be on his family. (2) proposed start and finish date; (3) what are their hours of operation going to be. (4) adequate buffering, stating he appreciates the privacy fence, the Type E buffer. Mr. Holfield asked about a berm because there is an option with a 3-foot berm which is a raised bed and then the 6-foot trees or privacy fence. He thinks the berm will block off a lot of the light and (5) he is concerned with the lighting in the parking lot. He said if they are shining on a parking lot, that is fine, but if they are going to be shining on cars and the reflection off those cars is going to be reflected right back up and will light up the neighborhood. He previously questioned Mr. Ware about the berm, and he said they weren't planning to install a berm.

Mr. Ware said the reason they may not install a berm is because there might be some issues with the drainage.

Mr. Holfield said the drainage would cause a dam which he thinks would be better if the water stays on that side of the property than coming on his side of the property. It would be nice with a buffer to be installed before the construction to block off some of the construction. His next point was (6) elevation and the run-off/drainage. He said the Racetrac was built up and he asked if Enterprise would build up their property too. He was afraid the shot rock and dirt would cause a drainage issue on his property. Mr. Holfield's next concern (7) was about the proposed stormwater management pond and asked where the water goes if the pond fills up. He had questions about the wash-bay doors but understands where they have been moved. He wanted to get the hours of operation on record as Mr. Ware told him 7:00 A.M. to 7:00 P.M.

Vice-Chairman Halliburton closed the public hearing.

Vice-Chairman Halliburton asked Mr. Ware and Mr. Blomeley to address the concerns.

Mr. Ware referred to the lighting and said the light will shine no more than ½-foot candle across the property line. He couldn't say if the light would reflect off the cars and disturb residential neighbors.

Mr. Ware referred to the hours of construction stating he did not know at the time he spoke with Mr. Holfield.

Mr. Blomeley stated that the hours of construction depend on the season. He said any kind of violation of those hours of construction can be called in to the City, which will be passed on to the appropriate people that enforce those hours of construction.

Vice-Chairman Halliburton asked if the setbacks have been changed on Highway 96.

Mr. Blomeley said the Commercial Highway standard setback is 42-feet. Some developments may choose to have their building further back than the 42-feet but that is up to their site design. He said the new building that is under construction that Mr. Plummer referenced is where the old Town and Country Apartments used to be. He said both of those buildings will be demolished and he thinks one has already been demolished. Mr. Blomeley said that is a very difficult piece of property to develop because it is so long and narrow but development with that is moving forward. He said the front building on that site may be pulled closer to Old Fort Parkway than the other buildings in the area. The buildings where Jersey Mikes is located is pulled all the way back to the rear of the property with all of the parking in the front which is more consistent with development patterns in the early/mid 2000's. He said the development that is under construction right now is a little bit more modern and a different design than the traditional strip centers.

Mr. Blomeley referred to a question from Ms. Richardson about notices. He said we followed all of our standard notification protocols for this public hearing. He said we send out the notices in the mail two Fridays before the Board of Zoning Appeals meeting so by the time the people get the notice it leaves roughly 9 or 10 days prior to the meeting for them to research the request, call us to learn about the request, and/or come to the public hearing. We also put a notice in the Murfreesboro Post, we put a notice on our website, and we put signs on the property.

Mr. Blomeley referred to the issues that Mr. Holfield brought up that Mr. Ware hasn't addressed already. He said the amount and type of buffering/screening would be at the Board's discretion to mitigate any negative impact on the adjacent neighborhood. He said if that meant adding a berm to the proposed buffer, that is certainly within the Board's authority to require. He referred to the timing of the buffer installation stating the buffer is required to be installed prior to the Certificate of Occupancy being issued. He said it would not be installed prior to construction and the reason for that is because a lot of money is spent in landscape installation only to have construction occur directly around the base of it perhaps killing the plants or disturbing them somehow. He said it is most prudent to install the landscaping after construction is complete so that their ability to survive and thrive is enhanced.

Mr. Blomeley referred to drainage stating there is a stormwater management pond that is proposed and our engineers on staff must review it to determine if the rate of discharge post-construction is no greater than the rate of discharge pre-construction.

Mr. Blomeley said the hours of operation would be 7:00 A.M. to 7:00 P.M. and, as part of their application, that is something we could hold them to. He said if they begin to

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operate until 8:00 or 9:00 at night, we could enforce that as a part of their special use permit application. Likewise, if they wanted to request to be able to operate longer, they could make a request to the Board of Zoning Appeals to amend their special use permit to increase their hours of operation, which would require another public hearing and a separate application. He said, if this particular application is approved, the maximum hours of operation would be 7:00 A.M. to 7:00 P.M.

Mr. Blomeley said he answered everything he had written down.

Vice-Chairman Halliburton said there was one question Staff would not be able to answer but the applicant might. He asked the proposed start and finish date.

Mr. Preston Quirk, Architect for the project, said, assuming site plan approval moves in a timely manner, they would like to start in June 2020 with an 8-month construction period.

Ms. King asked if the hours of operation (7:00 A.M. to 7:00 P.M.) would automatically be a part of the approval or would the Board need to specify that in a motion.

Mr. Blomeley said, in his opinion, it would not hurt to require that in the form of a condition of approval should the Board wish to approve this today or at next month's meeting.

Ms. Foy referred to the Type E buffer and asked if the berm, rows of evergreen and two rows of trees is the most that can be done for this type of buffer or are there other options to provide even more separation.

Mr. Blomeley said there are several different cross-sections that can be considered a Type E buffer. He said one is just the standard buffering with the plantings in that 20-feet. Another is to substitute a fence for some of the required plantings and another is to include a berm in lieu of some of the required plantings. Mr. Blomeley specifically asked them to add the privacy fence *in addition to* a Type E buffer so we are not eliminating any of the plantings but adding the fence to the number of plantings that would be there already. Mr. Blomeley said the BZA has a lot of latitude with a special use permits to require what it feels is necessary to properly mitigate any negative impact on the adjacent residential uses.

Ms. King asked if someone from the City could look at any impact a berm would cause to drainage.

Mr. Blomeley said yes.

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Ms. King asked to have that information in the next month's report, so the Board knows. She would not want to require a berm and then have it create negative drainage impacts.

Mr. Tipps asked for Staff to review that issue both on the west and south sides.

Mr. Blomeley said we can do that.

Mr. Tipps asked wanted to know how bright the lights will be. He asked if they would be similar to the lighting installed at Siegel Park soccer fields and Adams Tennis Center. He said this type of lighting seems mitigate lighting issues on adjacent properties.

Mr. Quirk said they have not done a photometric plan yet but will comply with the city requirements which is a ½-foot candle max at the property line.

Mr. Blomeley said the City requires the lighting fixtures to be oriented primarily down with a maximum angle oriented out. He said the Board may place additional conditions regarding lighting if it feels that is warranted.

Mr. Blomeley asked for feedback on the Dumpster location. He noticed that the dumpster is still kind of on the side of the property adjacent to the neighborhood to the west. He said that his preference would be to get as much separation as possible from the adjacent residential lots but also not have it right up on the new public right-of-way. He feels there is still room for improvement in its location.

Vice-Chairman Halliburton agreed with Mr. Blomeley stating anytime you can get the Dumpster away from any adjacent neighbors would be the best thing.

**Ms. King made a motion to defer the special use permit request until the February 26, 2020 BZA meeting. The motion was seconded by Ms. Foy and carried unanimously in favor.**

**Staff Reports and Other Business**

None

The meeting adjourned at 1:45 P.M.

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CHAIRMAN

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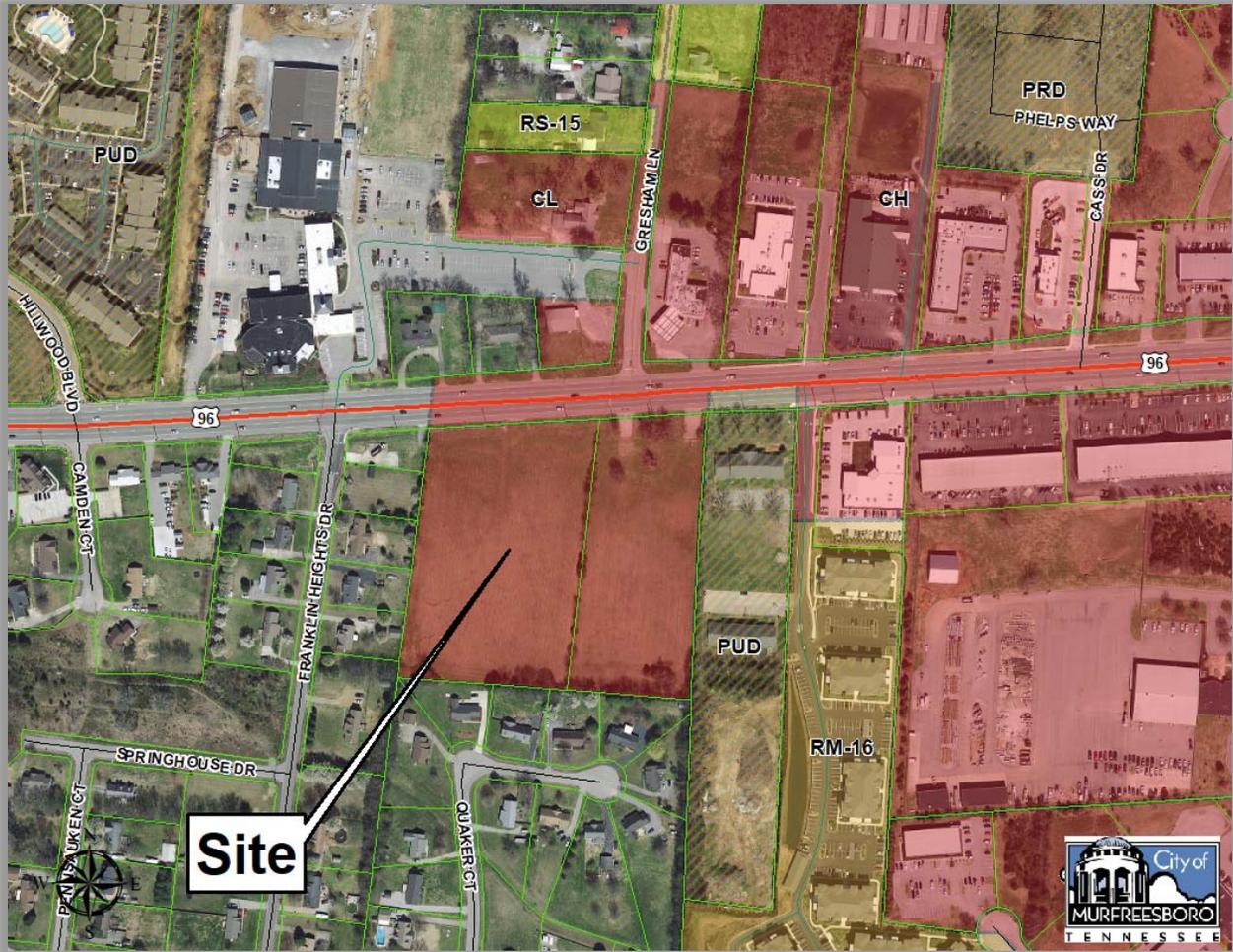
SECRETARY

**MURFREESBORO BOARD OF ZONING APPEALS**

**STAFF REPORT**

**February 26, 2020**

- Application:** Z-20-001
- Location:** Franklin Road east of Franklin Heights Drive (Map 92O, Group B, Parcel 00200)
- Applicant:** Mr. Clyde Rountree of Huddleston-Steele Engineering, Inc., representing Enterprise Holdings, Inc.
- Owner:** Mary White Bruce
- Zoning:** CH (Commercial Highway District)
- Request:** Special Use Permit to establish a motor vehicle sales and rental use



## **Overview of Request**

Mr. Clyde Rountree of Huddleston-Steele Engineering, Inc., representing Enterprise Holdings, Inc., is requesting a Special Use Permit to establish a motor vehicle sales and rental facility located along the south side of Franklin Road east of Franklin Heights Drive. The subject property has a total area of 5.11 acres and is zoned CH (Commercial Highway District). Across Franklin Road to the north is the Franklin Road Baptist Church property. Directly to the east is zoned CH, a portion of which is being developed with a gas station. Directly to the south and west are the Haverford and Franklin Heights single-family residential subdivisions, which are both located in the unincorporated County. The Board of Zoning Appeals conducted a public hearing on this request at its January 22<sup>nd</sup> regular meeting, after which the request was deferred. Issues discussed during last month's meeting included landscape screening, berming, drainage, the impact of a berm on drainage, the location of the Dumpster, and the number of inventory/rental spaces.

## **Relevant Zoning Ordinance Sections**

Chart 1 of the City of Murfreesboro Zoning Ordinance allows motor vehicle sales uses in the CH district only after the issuance of a Special Use Permit by the Board of Zoning Appeals. City of Murfreesboro Zoning Ordinance Section 9(D)(2)(ffff) sets forth standards for motor vehicle sales uses in addition to the Standards of General Applicability Section 9(C). The applicant states in his special use permit application letter that, in his opinion, the proposed use will be constructed in compliance with all of the above zoning requirements.

The applicable standards are listed below with information from Staff on how the applicant intends to address them.

## **Standards of General Applicability with Staff analysis**

- 1. 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, and utility facilitates, and other matters affecting the public health, safety and general welfare.**

The applicant contends that this request complies with this standard and that adequate measures will be put in place to mitigate negative impacts on the adjacent residential neighborhood. He also mentions that there will be multiple access points in and out of this development to assist with traffic flow. Based on the feedback received at the January BZA meeting, the applicant is now proposing a 2.7'-tall earthen berm along the south and west property boundaries in addition to the privacy fencing and Type E landscape buffer. The design engineer and the City's Project Engineer are both confident that the drainage plan can be designed to properly handle stormwater with the proposed berms.

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

The applicant states that this request complies with this standard and that adequate measures will be put in place to mitigate negative impacts on the adjacent residential neighborhood, including the installation of buffering as well as limiting hours of operation. Based on the feedback received at the January BZA meeting, the applicant is now proposing a 2.7'-tall earthen berm along the south and west property boundaries in addition to the privacy fencing and Type E landscape buffer. The design engineer and the City's Project Engineer are both confident that the drainage plan can be designed to properly handle stormwater with the proposed berms.

- 3. That the proposed buildings 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 persons or agencies responsible would provide such services.**

The applicant contends, and staff agrees, that the proposed development will be adequately served by essential public services and facilities.

- 4. That the proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be significant natural, scenic, or historic importance.**

Neither staff nor the applicant are aware of any feature or significant natural, scenic, or historic importance currently located on the property.

- 5. That the proposed building/use complies with all additional standards imposed on it by the particular provision of this section authorizing use.**

The proposed motor vehicle sales/rental use will comply with the additional standards for motor vehicle sales. (See below for additional detail.)

#### **Additional Standards for Motor Vehicle Sales (Automobile) with Staff Analysis**

Motor Vehicle Sales (Automobile) uses shall be subject to the following additional standards:

- [1] each lot used for automobile sales shall include a principal structure designed and constructed in accordance with the provisions of this article (Appendix A: Zoning) and all other applicable regulations and codes;**

There will be a principal structure and car wash facility constructed on the lot. Both structures must comply with the Design Guidelines and the Zoning Ordinance and all other applicable ordinances. Should this Special Use Permit be approved, Staff will ensure that the development plans are fully compliant during the site plan review process

- [2] in addition to meeting the minimum parking required in Chart 4 of this article (Appendix A: Zoning), supplementary parking spaces meeting the following requirements shall be provided for customers, employees, and service vehicles:**

**[a] customer parking shall be clearly designated via signage and striping and shall be provided at the following minimum ratios:**

<i>Total number of vehicles on sales lot</i>	<i>Minimum number of customer parking spaces required</i>
<i>151-200</i>	<i>7</i>

The site plan submitted depicts parking spaces for approximately 187 automobiles for sale and rent combined with 10 parking spaces provided for customers. In addition, there are queueing lanes for approximately 66 additional vehicles. The queueing lanes will be used for vehicle prep associated with the rental aspect of the business.

**[b] one employee parking space shall be provided for each employee on the largest shift;**

The site plan depicts 10 employee parking spaces to match the number of employees on the largest shift.

**[c] one parking space shall be provided for each service vehicle;**

The applicant has stated that no service vehicles will be used.

**[d] all driveways and parking areas, including automobile storage and display areas, shall be surfaced with asphalt, concrete, or other hard dustless surface material. Bituminous surface treatments (“tar and chip”) shall not be allowed on any driveway, automobile storage area, or parking lot.**

According to the applicant, the parking area will have a concrete surface.

**[e] Parking and display of automobile inventory shall occur only in areas designated in the special use permit application. Driveway aisles, public right-of-way, and landscaped areas shall not be used for automobile parking or display;**

According to the applicant, inventory storage will only occur in the areas designated on the site plan.

**[3] automobile parts and salvage/junk automobiles shall not be stored on any outdoors portion of the site;**

According to the applicant, the subject property will comply with this standard.

**[4] all automobiles visible from the public right-of-way or lying adjacent to any area zoned for residential uses shall be operational;**

According to the applicant, the subject property will comply with this standard.

**[5] tents and other temporary or accessory structures shall not be erected on the site except in accordance with the provisions of this article;**

According to the applicant, the subject property will comply with this standard.

**[6] outdoor sound amplification shall not be allowed;**

According to the applicant, the subject property will comply with this standard.

**[7] the following landscape buffers shall apply to automobile sales lots lying adjacent to residential, mixed use, and office zoning districts:**

<i>Adjacent Zoning</i>	<i>Buffer Required</i>
<i>RS-15, RS-12, RS-10, RS-8, RS-4, RD, RM-12, RM-16, RM-22, RS-A, R- MO, MU, OG-R</i>	<i>Type E</i>
<i>OG, CU, P, CBD</i>	<i>Type D</i>

The subject property borders single-family residential subdivisions in the unincorporated County to the south and west. 20'-wide Type 'E' buffers are depicted on the site plan along both the west and south property lines, as required. In addition, a 6' privacy fence and a 2.7'-tall earthen berm are depicted along both of these property lines as well. The proposed privacy fence and berm will not substitute for any of the plantings in the buffer; rather they will be *in addition to* the standard Type E buffer plantings. Standard perimeter planting yards shall be installed along the east and north property lines.

**[8] all loading and unloading of automobiles shall be accomplished on-site. Automobile loading, unloading, staging, and maneuvering shall not be permitted within any public right-of-way. Loading/unloading areas shall be provided as follows:**

- [a] each site used for automobile sales shall provide a loading/unloading area of 150 feet in length by 25 feet in width;**
- [b] the required loading/unloading area shall not block or utilize any portion of the designated customer, employee, or service vehicle parking area(s) or any internal driveway as required by Section 26 of this article;**

A 25' x 150' loading space is proposed at the south end of the site. It has been located so as not to conflict with any required parking stalls or driveways.

**[9] fencing may be constructed in automobile inventory areas, provided that such fencing meets the following standards:**

- [a] no barbed wire or razor wire shall be permitted;**
- [b] chain-link fencing shall be plastic coated with black or green coating;**
- and**
- [c] chain-link fencing shall not be allowed along the perimeter of any automobile storage area lying adjacent to a public right-of-way;**

A privacy fence is proposed to be installed along the west and south property lines in order to mitigate negative impacts on the adjacent residential neighborhoods. The gates at the entrances to the site are proposed to be standard pipe rail gates. According to the applicant, no chain-link fencing or barbed-wire fencing is proposed.

**[10] automobile service bays and overhead service area doors shall not be visible from any public right-of-way;**

Automobile service bays and overhead doors on the southernmost building are proposed to face the rear of the northern building and the rear of the property and will not be oriented toward the proposed public right-of-way along the eastern property line.

**[11] mechanical and other automobile services shall not be performed within 100 feet of any property zoned for residential use, regardless of any lesser minimum building setbacks;**

The site plan demonstrates compliance with this standard, as the proposed service/car wash building is exactly 100' from the residential lots to the south.

**[12] hours of operation shall be limited to "daytime hours" as defined in the Murfreesboro Noise Control Ordinance;**

Hours of operation for this facility will be from 7am to 7pm, which fall within the acceptable hours, as defined by the Murfreesboro Noise Control Ordinance.

**[13] the applicant shall provide a site plan showing all proposed structures, parking areas, automobile storage areas, landscaped areas, buffers, delivery/loading areas, and fencing. The site plan shall also indicate the maximum number of for-sale, for-rent, and/or for-lease automobiles that can be accommodated by the provided parking and storage areas;**

A conceptual site plan has been provided by the applicant and is attached to this staff report. It shows that the site will accommodate a maximum capacity of approximately 253 vehicles for sale/rent, counting the areas identified as queuing for vehicle prep.

**[14] where the requirements of this subsection exceed those of other subsections and exhibits in this article (Appendix A: Zoning), excepting Section 24 Article III, the standards set forth in this subsection shall supersede those subsections and exhibits; and**

The applicant understands this standard.

**[15] the Board of Zoning Appeals may require additional standards to ensure the ensure the compatibility of the automobile sales lot with other properties in the vicinity.**

The applicant understands that the BZA may impose additional conditions.

**Recommended Conditions of Approval:**

If the Board approves this request, Staff recommends the following conditions of approval:

1. A site plan shall be submitted to the Planning Department for review and approval. The site plan set shall include architectural elevations and demonstrate compliance with all requirements of the Zoning Ordinance and Design Guidelines,
2. The design of the gates will be subject to the final review and approval of the Planning Department to ensure that there are adequate turnaround areas for vehicles and to ensure that vehicles will not be forced to back out into the public right-of-way.
3. A privacy fence and earthen berm shall be required along the south and west property lines. The privacy fence and berm shall not be a substitute for any of the standard Type E buffer yard plantings; rather, it shall be *in addition to* the standard Type E buffer yard plantings.

The applicant's representative will be in attendance to respond to any questions the Board may have.

**Attached Exhibits**

- 1) BZA Application
- 2) Applicant Letter
- 3) Conceptual Site Plan

# 1. BZA Application

City of Murfreesboro BOARD OF ZONING APPEALS		HEARING REQUEST APPLICATION	
Location/Street Address:			
Tax Map: 920	Group: B	Parcel: 2.00	Zoning District: CH
Applicant: ENTERPRISE HOLDINGS - REPRESENTED BY MURFREESBORO - SINGLE ENT.		E-Mail:	
Address: 2115 NW BRADDO STREET		Phone: 615.893-4084	
City: MURFREESBORO	State: TN	Zip: 37129	
Property Owner: BRUCE MARY WHITE			
Address: 1024 WOODLIFE CIR.		Phone: NA	
City: MURFREESBORO	State: TN	Zip: 37128	
Request: SPECIFIC EXCEPTION FOR CAR SALES IN CH ZONING DISTRICT			
Zoning District: CH		Applicant Signature: <i>Clyde Rantow</i>	
Date: 1-3-2020			
Received By:	Receipt #:		
Application #:	Date:		

Murfreesboro  
Board of  
Zoning Appeals



T E N N E S S E E

HEARING APPLICATION  
AND  
GENERAL INFORMATION

## Standards of General Applicability

January 15, 2020

Board of Zoning Appeals  
City of Murfreesboro Planning Department  
111 West Vine Street  
Murfreesboro, TN 37133-1139

RE: Tax Map 920, "B", Parcel 2.00

Dear Board of Zoning Appeals Members,

Our client, Enterprise Holdings, Inc., desires to build a used car sales/rental facility at this location on Old Fort Parkway. After reviewing the criteria for the special exception requirement for car lots, we believe this site meets the criteria for our request.

### Section 9 (C) Standards of general applicability

- (1) The proposed building will not have a substantial or undue adverse effect upon the adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare. Type "E" buffers are planned for the southern and eastern property lines against property zoned residential.
- (2) The proposed building will be constructed and used so as to be compatible with the immediate vicinity and will not interfere with the district regulations. The building operating hours will be from 7am to 7pm. The development will have three exit points to distribute all traffic onto and off the site.
- (3) The proposed building will be served adequately by essential public services including streets, refuse disposal, fire protection, water, and sewer.
- (4) The proposed building will not result in the destruction, loss, or damage of any feature determined by the BZA to be of significant natural, scenic, or historic importance.
- (5) The proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use.

Thank you for considering our request. If you have any questions or concerns, or if you would like any additional information, please do not hesitate to contact me at any time.

Sincerely,

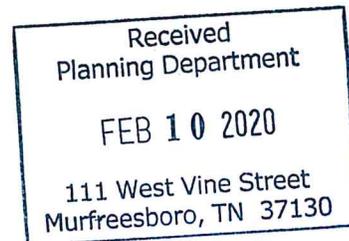
HUDDLESTON-STEEL ENGINEERING, INC.



Clyde Rountree, RLA  
Planner

February 7, 2020

Board of Zoning Appeals  
City of Murfreesboro Planning Department  
111 West Vine Street  
Murfreesboro, TN 37133-1139



RE: Tax Map 920, "B", Parcel 2.00

Dear Board of Zoning Appeals Members,

Our client, Enterprise Holdings, Inc., desire to build a used car sales/rental car facility at this location on Old Fort Parkway. After reviewing the criteria for the special exception requirement for car lots, we believe this site meets the criteria for our request.

Section 9 (D)

(ffff) Motor Vehicle Sales (Automobile) shall be subject to the following additional standards:

- [1] The principle structure and car wash facility will comply with design regulations as presented in the design guidelines and zoning ordinance, (Appendix A: Zoning), and all other applicable regulations and codes.
- (ffff) [2] [a] The car lot will have a maximum of 187 cars/trucks for sale (66 spaces are allotted for queuing lanes however, due to the cyclical nature of these lanes the cars are not counting towards the total inventory number) with the 10 parking spaces for customers.
- [b] The car lot will also have 10 employee parking spaces for the on-site employees on the largest shift.
- [c] No service vehicles will be associated with this business.
- [d] The parking area will be concrete.
- [e] All parking of automotive inventory shall take place only in areas designated in the special use permit application.
- [3] Automobile parts and salvage/junk automobiles shall not be stored on any outdoor portion of the site.
- [4] All automobiles visible from the public right-of-way or lying adjacent to any area zoned for residential uses will be operational.
- [5] Tents and other temporary or accessory structures will not be erected on the site except in accordance with the provision of the zoning ordinance.
- [6] There will be no outdoor sound amplification used on the site.
- [7] The site will have Type 'E' buffers with a 6' privacy fence on both the South and West property lines, and perimeter planting yards will be designed for the North and East property lines.
- [8] All loading and unloading will be accomplished on site.
  - [a] The required 150 x 25 feet loading/unloading zone is shown on the concept plan.
  - [b] The loading/unloading zone does not block or utilize any portion of the designated customer, employee, or service vehicle parking area. The loading zone allows for uninhibited internal circulation.
- [9] No fencing is being proposed on the concept plan.
  - [a] No bared wire or razor wire shall be used on the site.
  - [b] No chain-link fencing is being proposed on the site.

[c] No chain-link fencing is being proposed on the site.

The entrances to the site will be gated and a low containment rail will be used to prevent vehicles from being able to leave the site through a landscape area.

[10] Automobile service bays will not face the new access drive.

[11] Any mechanical and other automobile services will not be performed within 100 feet of any property zoned residential.

[12] Hours of operation will be 7am to 7pm.

[13] This letter is accompanied by a conceptual site plan with all the required items denoted.

[14] To our understanding all requirements of this subsection has been meet.

[15] It is understood that the Board of Zoning Appeals may require additional standards to ensure the compatibility of the automobile sales lot with other properties in the vicinity.

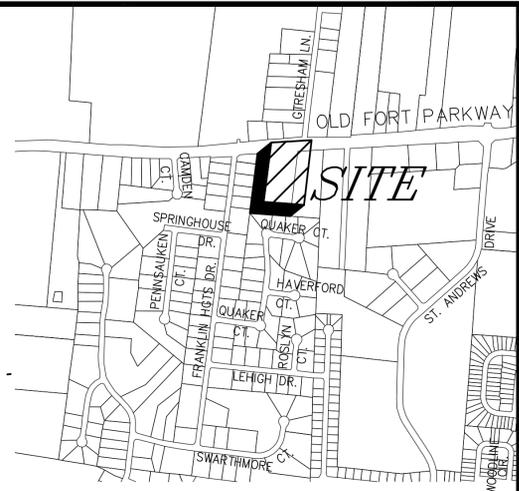
Thank you for considering our request. If you have any questions or concerns, or if you would like any additional information, please do not hesitate to contact me at any time.

Sincerely,  
Huddleston-Steele Engineering, Inc.

A handwritten signature in cursive script, appearing to read "Clyde Rountree", followed by a long horizontal flourish.

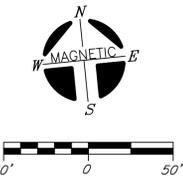
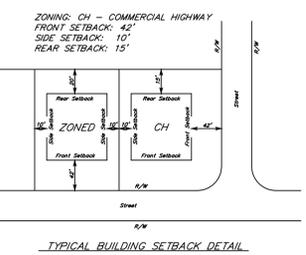
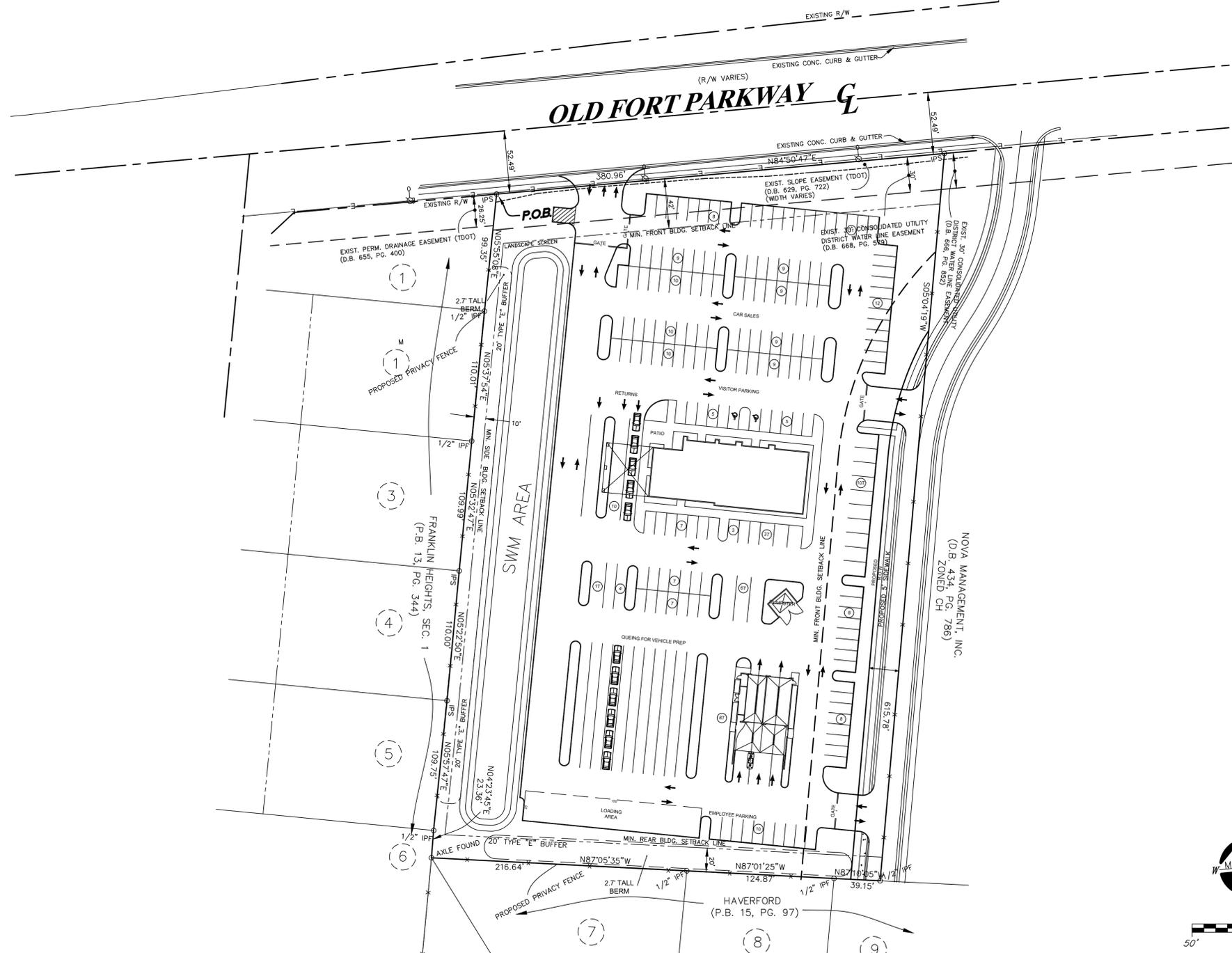
Clyde Rountree, RLA  
Planner

- PLAT NOTES**
- In Tennessee, it is a requirement per "The Underground Utility Damage Prevention Act" that anyone who engages in excavation must notify all known underground utility owners, no less than three nor more than ten working days of their intent to excavate. A list of these utilities may be obtained from the County Register of Deeds. Those utilities that participate in the Tennessee One Call system can be notified by calling toll free 1-800-351-1111.
  - Underground utilities shown were located using available above-ground evidence, as well as information obtained from the respective utility companies. The existence or non-existence of the utilities shown and any other utilities which may be present on this site or adjacent sites should be confirmed with the utility owner prior to commencing any work.
  - It is the responsibility of each builder to design and construct a suitable grading and drainage scheme which will convey surface water, without ponding, from his structure to the drainage system.
  - Parcels may be subject to additional easements, and/or restrictions, by record or prescription, that a complete title search may reveal.
  - Public utility and drainage easements where shown hereon are intended to indicate an easement for construction, operation, and maintenance of public utilities and drainageways; including, but not limited to, sanitary sewers, forcemains, water lines, telephone signal conduits, electric conductors, drainage pipes, and natural gas lines.



LOCATION MAP  
N.T.S.

- LEGEND**
- ⊕ Power Pole
  - ⊕ Existing Fire Hydrant
  - ⊕ Proposed Fire Hydrant
  - ⊕ Reducer
  - ⊕ Proposed Gate Valve & Box
  - Existing Water Line
  - Proposed Water Line
  - Existing Sanitary Sewer Line
  - Proposed Sanitary Sewer Line
  - Existing Manhole
  - Proposed Manhole
  - Sewer Line Check Dam
  - Existing Contours
  - Proposed Contours
  - 00.0 Existing Spot Elevations
  - 55.9 Proposed Spot Elevations
  - Sitation Fence (to be installed before grading and left in place until a good stand of grass is established over all disturbed areas.)
  - Sitation Fence (Initial Measure)
  - Sitation Fence (Once Constructed)
  - Turf Reinforcement Mat
  - Stone Check Dam
- LEGEND FOR MONUMENTS**
- IPS ○ IRON PIN SET
  - IPF ○ IRON PIN FOUND
  - ROAD/ROAD SPIKE
  - FENCE
  - SURVEY POINT
  - CONC. MARKER FND.
  - △ SOL. SITE STAKE FOUND (WITH RED RIBBON)
  - SOL. SITE STAKE FOUND (WITH ORANGE RIBBON)
  - APPARENT PERCOLATION TEST HOLE, FOUND



NO.	DATE	DESCRIPTION
0	10-30-19	ORIGINAL ISSUE
1	2-10-20	REVISED PER STAFF COMMENTS

DEVELOPER: ENTERPRISE HOLDINGS, INC.  
ADDRESS: 600 CORPORATE PARK DRIVE  
ST. LOUIS, MO 63105

TAX MAP: 920, "B", PARCEL: 2.00

THIS PROPERTY IS NOT INCLUDED IN AREAS DESIGNATED AS "SPECIAL FLOOD HAZARD AREA" ON THE NATIONAL FLOOD INSURANCE PROGRAM FLOOD MAP PANEL: 47149C0255H ZONE: X DATED: JAN. 05, 2007

PRELIMINARY  
FOR  
REVIEW ONLY

**HUDDLESTON-STEELE**  
ENGINEERING, INC.  
2115 N.W. BROAD STREET, MURFREESBORO, TN 37129  
TELEPHONE : 893 - 4084, FAX: 893 - 0080

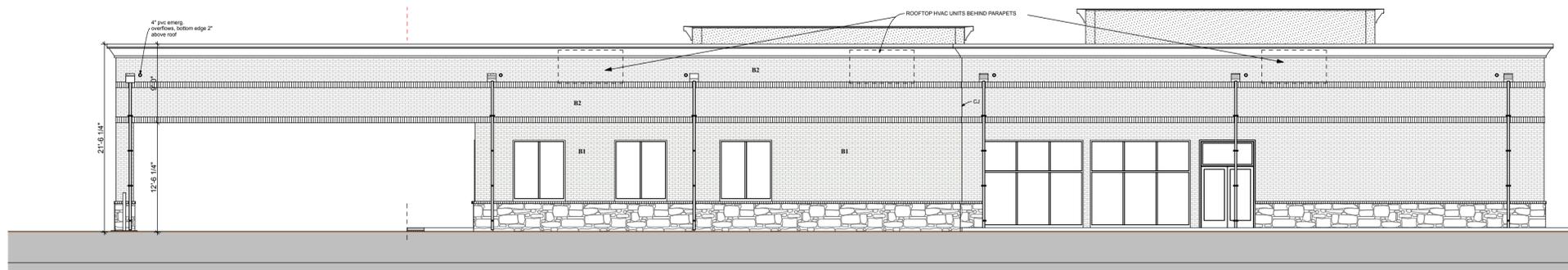
CONCEPT PLAN  
FOR BZA SUBMITTAL  
**ENTERPRISE**  
**CAR SALES**

13TH CIVIL DISTRICT - RUTHERFORD COUNTY - TN.

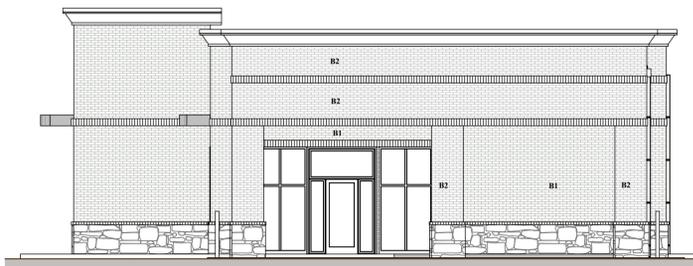
DATE: JANUARY 2020 SCALE 1"=50' SH. 1 OF 1



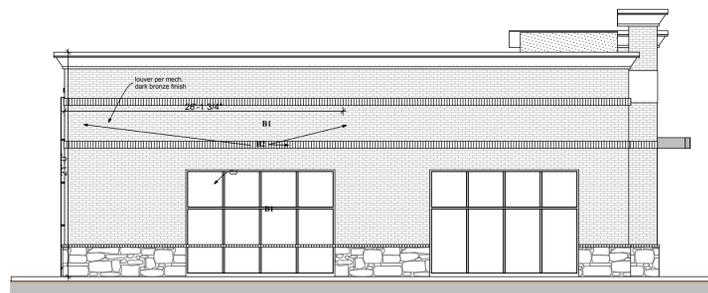
**3 FRONT/NORTH ELEV**  
SCALE: 1/8" = 1'-0"



**4 REAR ELEVATION (1)**  
SCALE: 1/8" = 1'-0"



**1 RIGHT/WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



**2 LEFT/EAST ELEVATION**  
SCALE: 1/8" = 1'-0"



**EXTERIOR MATERIALS:**

DARK BRONZE ALUM FRAMES, CLEAR INSUL GLASS

DOWNSPOUTS/SCUPPER HEADS  
LIGHT TAN

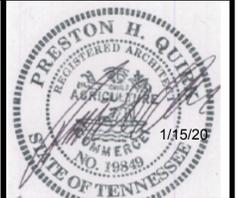
EIFS CORNICE  
MATCH SW 7005 PURE WHITE

BODY BRICK (B1)  
BRAMPTON BRICK LINEN MODULAR ARCH SERIES

ACCENT BRICK (B2)  
CHEROKEE MS VELOUR LIGHT GRAY

CULTURED STONE CAP COURSE

CULTURED STONE  
CENTURION, Pattern #150 LedgeStone, color #260 Kentucky.



2831 BERRY HILL DRIVE  
SUITE 200  
NASHVILLE, TN 37204  
Phone: (615) 265-9248 Fax: (615) 627-1298  
email: quirkdesigns@comcast.net

**QUIRK DESIGNS**

**New Buildings**  
Enterprise Rent A Car  
Old Fort Parkway  
Murfreesboro, TN 37129

DATE: 1/15/20  
REVISION

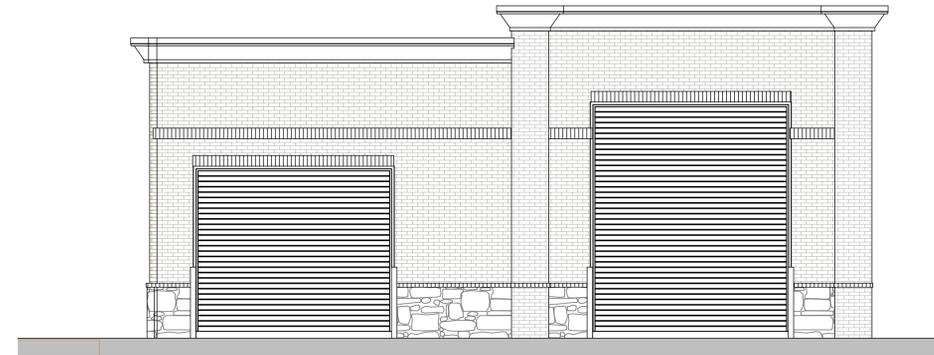
PROJECT NO: 19-100  
COPYRIGHT 1/15/20  
QUIRK DESIGNS

ELEV'S - RENTAL  
OFFICE

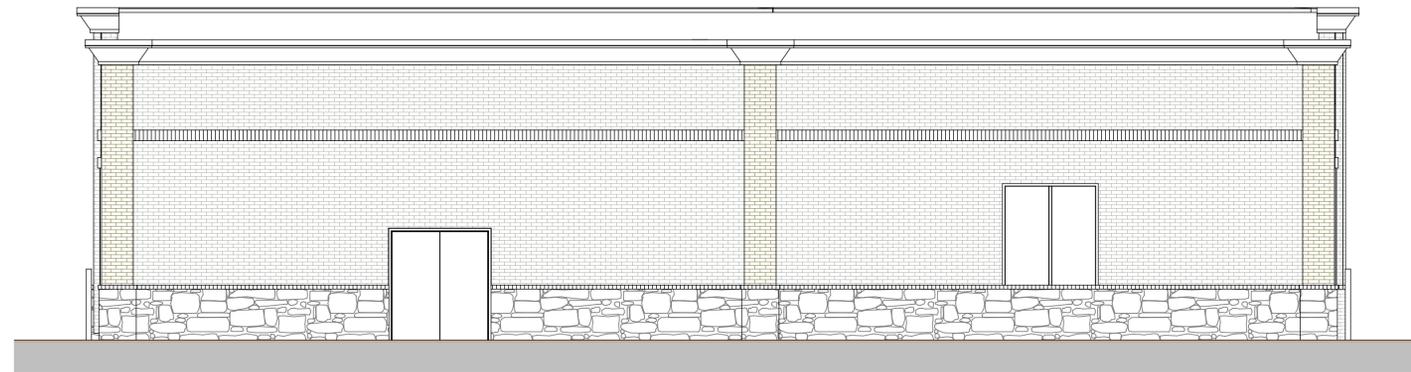
A1



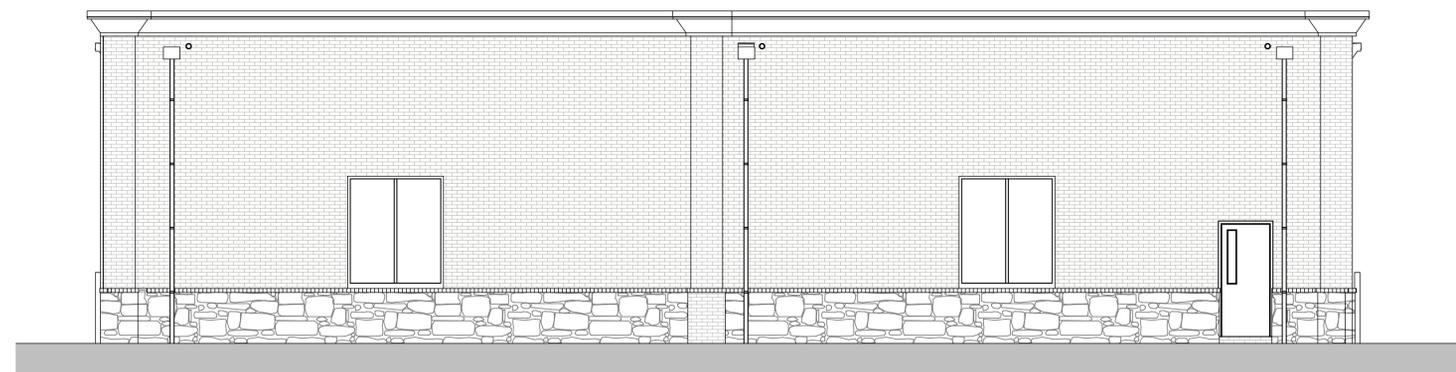
4 LEFT/EAST ELEVATION (1)  
SCALE: 3/16" = 1'-0"



1 RIGHT/WEST ELEVATION  
SCALE: 3/16" = 1'-0"



3 FRONT/NORTH ELEV - WASH BLDG  
SCALE: 3/16" = 1'-0"



2 REAR/SOUTH ELEV - WASH BLDG  
SCALE: 3/16" = 1'-0"



2831 BERRY HILL DRIVE  
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email: quirkdesigns@comcast.net

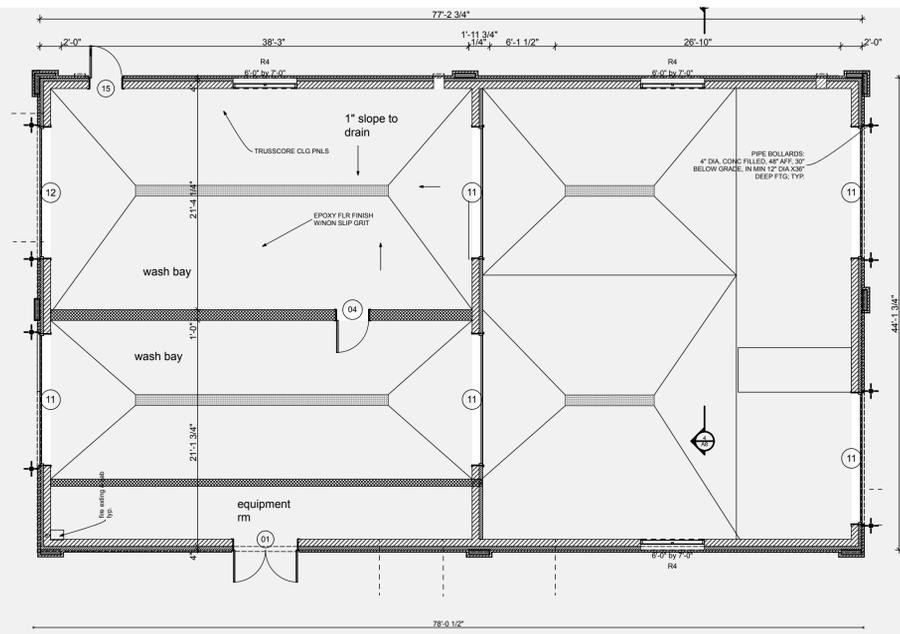


New Buildings  
Enterprise Rent A Car  
Old Fort Parkway  
Murfreesboro, TN 37129

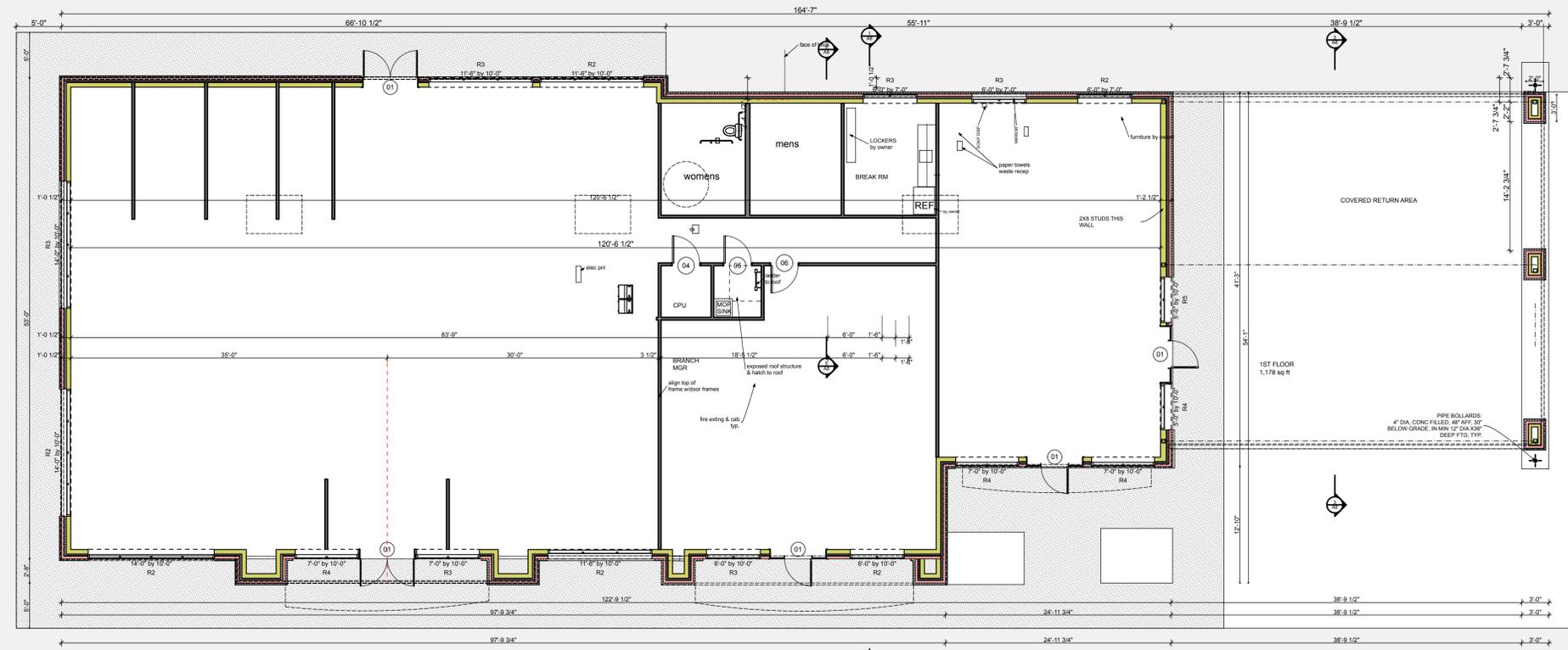
DATE: 1/15/20  
REVISION

PROJECT NO: 19-100  
COPYRIGHT 1/15/20  
QUIRK DESIGNS

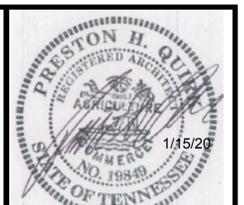
ELEV - WASH BLDG



- ### WALL LEGEND
- 2 X 6 WD STUD 16" OC  
W/BRICK & STONE VENEER ( SEE  
WALL SECTIONS)
  - 8" BLOCK WALLS W/ 1" EIFS FINISH
  - 2 X 4 WOOD STUDS 16" OC  
W/ 5/8" GYP BRD BOTH SIDES
  - 2 X 6 WOOD STUDS 16" OC  
W/ 5/8" GYP BRD BOTH SIDES



**4** 1st FLOOR  
SCALE: 1/8" = 1'-0"



2831 BERRY HILL DRIVE  
SUITE 200  
NASHVILLE, TN 37204  
Phone: (615) 265-9248 Fax: (615) 627-1298  
email: quirkdesigns@comcast.net

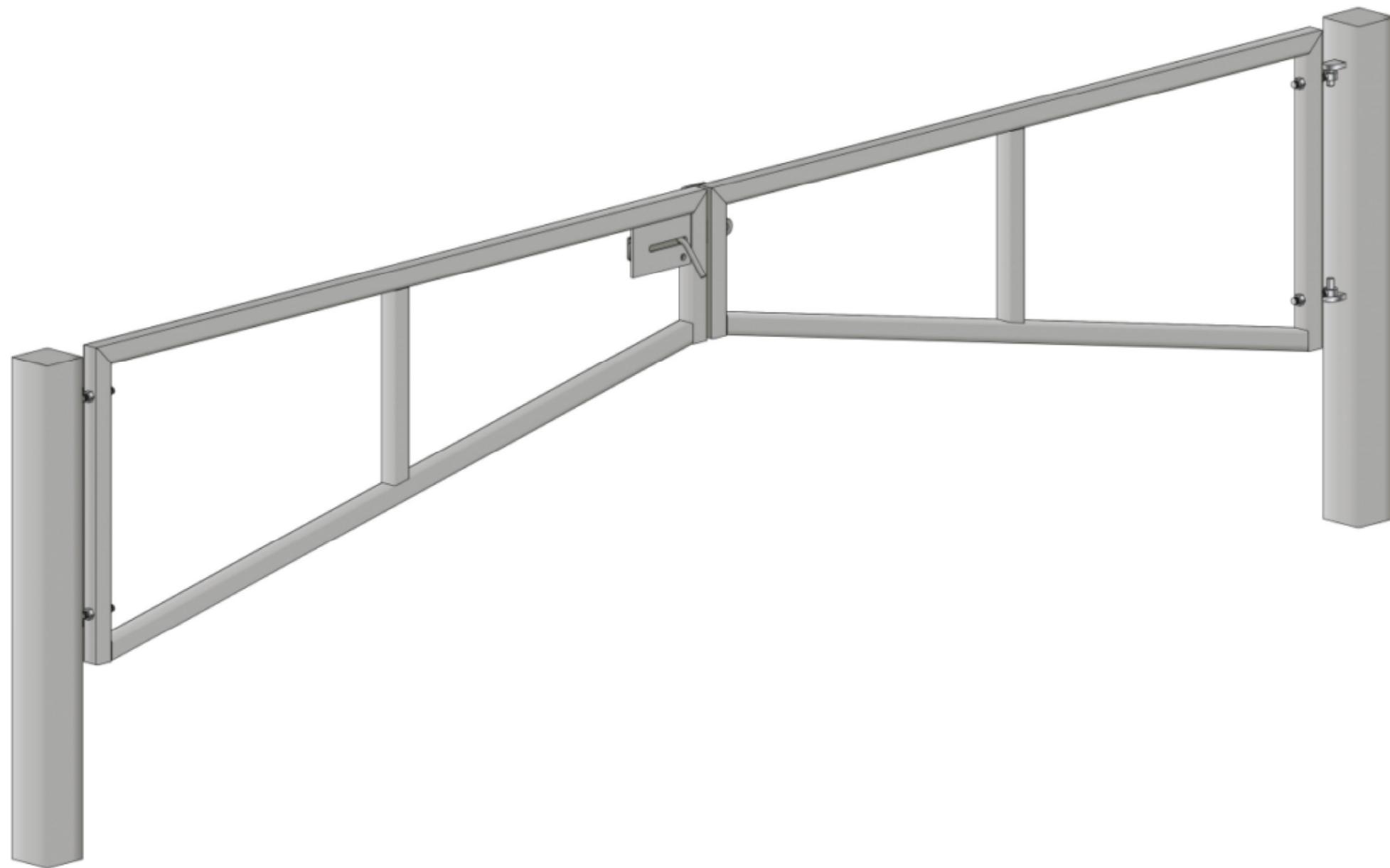


**New Buildings**  
Enterprise Rent A Car  
Old Fort Parkway  
Murfreesboro, TN 37129

DATE: 1/15/20  
REVISION

PROJECT NO: 19-100  
COPYRIGHT 1/15/20  
QUIRK DESIGNS

FLR PLAN - OFFC &  
WASH BLDG



# MURFREESBORO BOARD OF ZONING APPEALS

## STAFF REPORT

February 26, 2020

**Application:** Z-20-005

**Location:** 627 East Street

**Applicant:** Mr. Matt Taylor of SEC, Inc.

**Owner:** Mr. Eric Blum

**Zoning:** RM-16

**Request:** A 19-foot variance from the required 25-foot rear setback



## **Overview of Request**

Mr. Eric Blum requests a 19ft variance from the 25ft required rear setback for the property located at 627 East Street, which is zoned RM-16, in order to construct a new two-story duplex totaling approximately 2,280 square feet. The subject property has a total land area of 0.16 acres. It contains an existing single-family dwelling, which is proposed to be demolished. The existing structure encroaches into the rear setback and is considered a lawfully-established non-conforming structure. In fact, most of the existing structures on the west side of the street are similarly situated in that they are pushed back within the minimum rear building setback. Most of the lots on the west side of East Street are shallow and would likely face similar difficulties if they were to be redeveloped.

The applicant addresses each of the standards and proof required for variances in his submittal. He contends that the building envelope is very shallow due to the lot depth and required setbacks, leaving only a 25ft deep building envelope to construct the new structure. He indicates that the lot is unusually shallow for the RM-16 zone and that the existing structure, which is proposed to be demolished, is not currently meeting the setbacks required for the RM-16 zone.

## **Relevant Zoning Ordinance Sections**

Chart 1 of the Zoning Ordinance specifies the minimum building setbacks for principal structures. Section 10 contains the standards and proof required for variances.

## **Standards for Variances from Section 10 of the Zoning Ordinance:**

### 1. Standards and proof required for variances.

Bulk variances and other variances. No bulk variance or other variance shall be granted unless the applicant establishes that the bulk or other regulations generally applicable in the zoning classification for the property for which a variance is requested impose practical difficulties which are unusual to the property and are not self-created. The applicant must also show that the bulk or other variance requested will not be unduly detrimental to other property in the vicinity of the property for which the variance is requested. Additionally, to satisfy the requirements outlined in this subsection for the granting of a bulk or other variance, an applicant shall establish the existence of the following:

- a. Practical difficulties. The narrowness, shallowness or shape, topography or other condition of the land is such that it is extraordinarily difficult to comply with the generally applicable bulk or other regulations of the zoning classification for the property.

*According to the applicant, the required setbacks imposed by the Zoning Ordinance pose a practical difficulty for this property. The shallowness of the lot combined with the required setbacks creates a building envelope that is only 25ft deep.*

- b. Unusual characteristics of the subject property. The property is unusual in that it has unusual physical features compared to other property located in the same zoning district.

*According to the applicant, the lot is unusually shallow compared to most properties zoned RM-16, the lot pre-dates the current Zoning Ordinance (the lot was recorded in 1946), and the existing structure does not comply with required setbacks.*

- c. Not self-created. The condition of the property has not resulted from any deliberate action by the owner.

*According to the applicant, he has not created the current lot conditions. As stated previously, the lot was recorded in 1946 long before the current Zoning Ordinance was adopted.*

**Recommended Conditions of Approval:**

If the Board approves this request, Staff recommends the following condition of approval:

- 1) A site plan shall be submitted to the Planning Department for administrative review and approval prior to the issuance of a building permit.

The applicant will be in attendance to respond to any questions the Board may have.

**Attached Exhibits**

- 1) BZA Application
- 2) Applicant Letter
- 3) Site Photos
- 4) Site Plan Set

# 1. BZA Application

City of Murfreesboro <b>BOARD OF ZONING APPEALS</b>		<b>HEARING REQUEST APPLICATION</b>	
Location/Street Address: 627 East Street			
Tax Map: 901	Group: B	Parcel: 15.00	Zoning District: RM-16
Applicant: Eric Blum		E-Mail: <a href="mailto:ericblum@live.com">ericblum@live.com</a>	
Address: 1535 West Northfield Blvd Unit Ste 7		Phone: 615-207-7878	
City: Murfreesboro		State: TN	Zip: 37129
Property Owner: Same as Applicant			
Address:		Phone:	
City:		State:	Zip:
Request: Variance to allow an encroachment into rear setback			
Zoning District: RM-16			
Applicant Signature:		Date: 2/9/2020	
Received By:		Receipt #:	
Application #:		Date:	

**Murfreesboro  
Board of  
Zoning Appeals**



**T E N N E S S E E**

**HEARING APPLICATION  
AND  
GENERAL INFORMATION**

## 2. Applicant Letter



### SITE ENGINEERING CONSULTANTS

Engineering • Surveying • Land Planning  
Landscape Architecture

850 Middle Tennessee Blvd, Murfreesboro, TN 37129  
www.sec-civil.com • 615-890-7901 • fax 615-895-2567

February 9, 2020

Mrs. Amelia Kerr  
Planning & Engineering Department  
City of Murfreesboro  
111 W. Vine Street  
Murfreesboro, TN 37133

Re: Zoning Variance Application  
627 East Street  
Murfreesboro, TN

Dear Amelia,

On behalf of our client, Eric Blum, we are pleased to submit a variance request for the property listed above to your office for consideration at the February 26, 2020 BOZA meeting. We held our Pre-Application Conference on Monday, February 3<sup>rd</sup>. In that meeting, we identified the need for a variance on this site. As required within the submittal application, we have enclosed the following items for your review and consideration of this submittal.

- 6 sets of Site Plans
- \$350 Check
- BOZA Application

Pursuant to Section 10 – Variances of the City of Murfreesboro, TN Zoning Ordinance in regards to the above noted project, the following information should fulfill the needed application submittal request.

#### (d) Procedure

- Name, address, and telephone number of the applicant*  
**Eric Blum**  
**1535 West Northfield Blvd, Unit Ste 7**  
**Murfreesboro, TN 37129**  
**615-207-7878**
- Nature and extent of the applicant's interest in the property for which a variance is requested.*  
**Eric Blum is proposing to develop the property for a duplex.**
- A plot plan showing the dimensions of the property for which a variance is requested.*  
**Included with this submittal are 6 copies.**
- The street address and legal description of the property for which a variance is requested.*  
**The proposed site is located at 627 East Street on Lot 41 of the Parks & Holden Subdivision. It is also shown on Deed Book 98 Page 310. It is referenced in Record Book 731 Page 3158 at the Register's Office for Rutherford County, Tennessee. The property can be referenced as Map Number 90I Group B, Parcel 15.00.**
- Zoning classification of the property for which a variance is requested.*  
**Current zoning of the property is RM-16(Multi-Family).**

- f) *A statement of the exact variance sought and section of this article from which a variance is requested.*  
The variance request is for an except to allow the building to encroach into the rear setback as referenced in the current Zoning Ordinance in Chart 2.
- g) *A statement of the purpose for the requested variance and the intended development of the property if the variance is granted.*  
The purpose of the request is to allow the duplex to encroach into the rear setback due to the shallow nature of the lot and lack of adequate building envelope.
- h) *If a use variance is sought, a statement setting forth the reason why a variance and not a zoning amendment is appropriate and stating whether the applicant previously sought a zoning amendment for such property, and if so, the disposition of the request for such amendment.*  
A use variance is not being requested.
- i) *Unless otherwise modified by the zoning administrator, in accordance with standards established by said board in rules published from time to time, a vicinity map showing the property, which is the site of the requested variance and all parcels of property within a five hundred – foot radius if such property is located within the city. Such vicinity map shall show any and all streets, road or alleys, and shall indicate the owner's name and dimension of each parcel of property shown.*  
A vicinity map has been included with this submittal.

(e) Standards and proof required for variances

(2) Bulk variances and other variances

- a) *Practical difficulties. The narrowness, shallowness or shape, topography or other condition of the land is such that it is extraordinarily difficult to comply with the generally applicable bulk or other regulations of the zoning classification for the property.*  
The property is very shallow. The lot depth is only 80 feet which results in only 25 feet of buildable area after applying the setbacks required of the zoning ordinance.
- b) *Unusual characteristics of the subject property. The property is unusual in that it has unusual physical features compared to the other property located in the same zoning district. The site is unusually shallow compared to most RM-16 properties. The lot is old and the existing home on the lot does not comply with required setbacks. In addition, most structures in this area do not comply with existing required setbacks due to the age of the development.*
- c) *Not self-created. The condition of the property has not resulted from any deliberate action by the owner.*  
The site is in its original condition. The applicant has not modified the lot dimensions.

We thank you for your consideration of this variance request, and if you have any questions, comments or need of any additional information please feel free to contact me at 615-890-7901 or mtaylor@sec-civil.com.

Sincerely,



Matt Taylor, P.E.  
Vice-President/Design Engineer  
SEC, Inc.

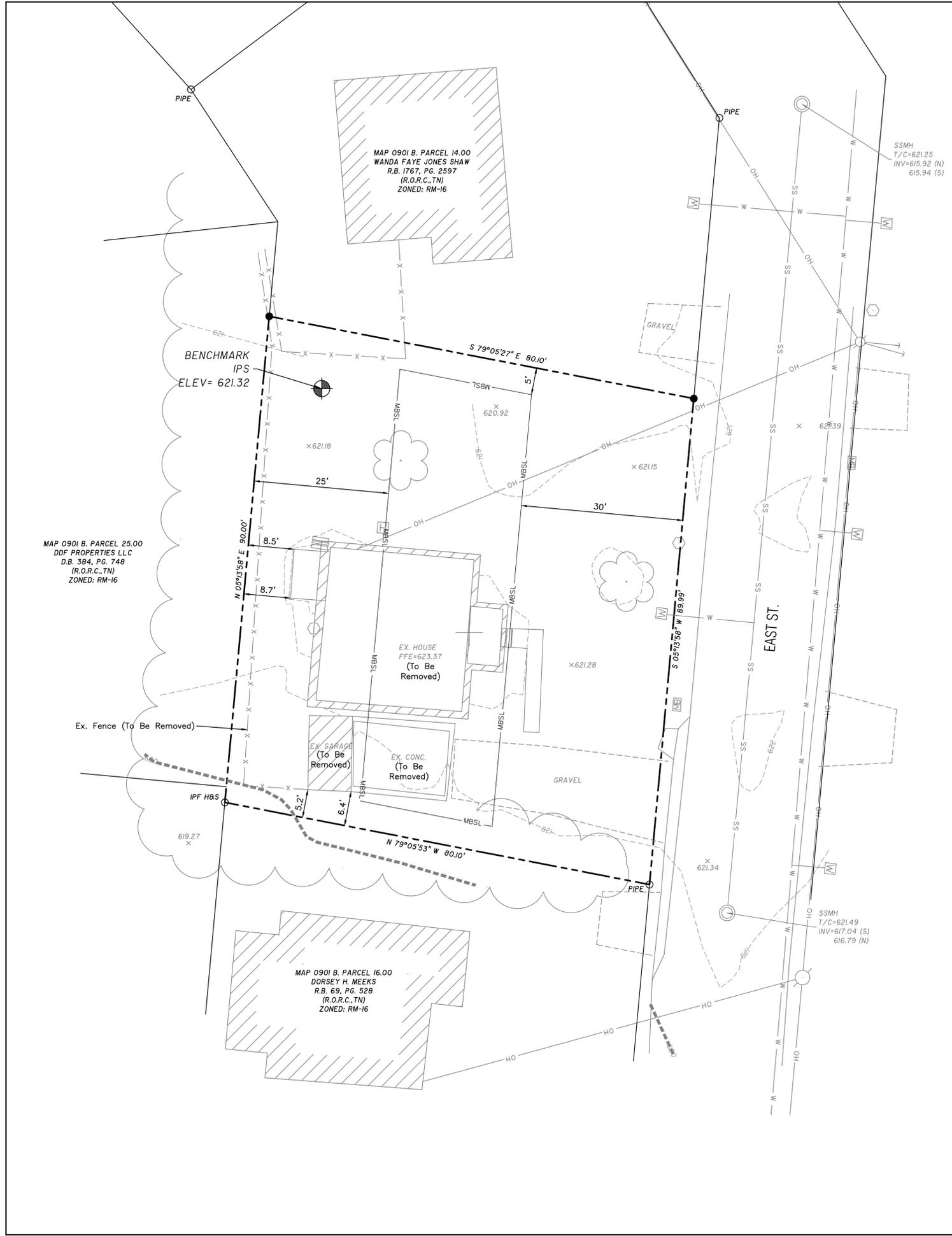
Enclosures

### 3. Site Photos



Front of Property





**Owner/Developer:**  
 Eric Blum  
 1535 West Northfield Blvd, Unit Ste 7  
 Murfreesboro, TN 37129  
 Phone #: 615-207-7878

**Deed Reference:**  
 Tax Map 901, Group B, Parcel 15.00  
 D.Bk. 637, Pg. 606

**Yard Requirements:**  
 Front: 30'  
 Side: 5'  
 Rear: 25'

**Land Use Data:**  
 Zoned: RM-16  
 2-Story Building  
 Building Ht.: 25'-2 3/4"  
 Total Floor Area: 2,280 Sq.Ft.  
 1 Lot on: 0.16± Acres

**Parking Requirement:**  
 4 Spaces Per Unit = 8 Spaces Required  
 Provided: 8 Regular Spaces Provided

**Flood Map No.:**  
 This site lies within Zone X, not in the  
 100 Year Floodplain, per Community Panel  
 47149C0260H dated January 5, 2007.

Legend:			
□	EXIST. CONCRETE MONUMENT	⊕	BENCHMARK
●	IRON PIN SET (I.P.S.)	⊕	HANDICAP PARKING SYMBOL
○	IRON PIN FOUND (I.P.F.)	V.A.	VAN ACCESSIBLE HANDICAP DESIGNATION
+	EXIST. SIGN POST	+	HC SIGN
○	EXIST. SEWER CLEANOUT	+	PROPOSED SIGN POST
○	EXIST. MANHOLE (SEWER & PHONE)	●	CONCRETE BOLLARD
⊕	EXIST. CATCH BASIN (STORM SEWER)	⊕	WHEEL STOP
⊕	EXIST. WATER/GAS VALVE	⊕	CONCRETE SIDEWALK
⊕	EXIST. TELEPHONE RISER	⊕	EXTRUDED CURB
⊕	EXIST. GAS RISER	⊕	CURB & GUTTER
⊕	ELECTRICAL ENCLOSURE	➔	TRAFFIC ARROW
⊕	EXIST. WATER METER	➔	TURN LANE ARROWS
○	EXIST. UTILITY POLE	⊕	REVISION NUMBER
⊕	EXIST. FIRE HYDRANT	#1	DRAINAGE STRUCTURE DESIGNATION
⊕	POST INDICATOR VALVE	⊕	DRAINAGE PIPE DESIGNATION
⊕	BLOW OFF VALVE	⊕	RIP RAP
⊕	REDUCER	➔	RUNOFF FLOW ARROW
⊕	REMOTE FIRE DEPT. CONNECTION	⊕	INLET FILTER PROTECTION
⊕	CONCRETE THRUST BLOCK	⊕	PROPOSED SPOT ELEVATION
⊕	DOUBLE DETECTOR CHECK VALVE	⊕	EXIST. SPOT ELEVATION
⊕	FIRE DEPT. CONNECTION	➔	SEWER/STORM FLOW DIRECTION
⊕	FIRE HYDRANT	⊕	CATCH BASIN
⊕	GATE VALVE & BOX	⊕	CURB INLET
⊕	WATER METER	⊕	AREA DRAIN
⊕	GAS METER	⊕	HEADWALL
⊕	GREASE TRAP	⊕	WINGED HEADWALL
⊕	EXTERIOR CLEANOUT ECO	⊕	CONCRETE SWALE
⊕	MANHOLE	⊕	TYPE- X- HEADWALL
⊕	EXISTING PHONE	PH	
⊕	EXISTING ELECTRIC	OH	
⊕	PROPERTY LINE	---	
⊕	EASEMENTS	---	
⊕	RIGHT OF WAY	---	ROW
⊕	EROSION CONTROL SILT FENCE	SF	SF
⊕	EROSION EEL	E	E
⊕	EXISTING TREELINE	---	
⊕	EXISTING FENCELINE	X	X
⊕	MINIMUM BUILDING SETBACK LINE	---	
⊕	PHASE BOUNDARY	---	
⊕	EXISTING GAS LINE	GAS	
⊕	PROPOSED GAS LINE	GAS	
⊕	EXISTING STORM	STM	
⊕	PROPOSED STORM	STM	
⊕	EXISTING CONTOUR LINES	601	
⊕	PROPOSED CONTOUR LINES	601	
⊕	EXISTING SANITARY SEWER	SS	
⊕	PROPOSED SANITARY SEWER	SS	
⊕	EXISTING WATER	W	
⊕	PROPOSED WATER	W	

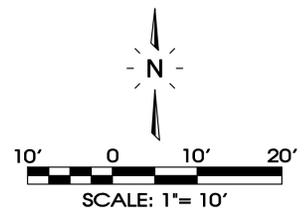
**SEC, Inc.**  
 ENGINEERING • SURVEYING • LAND PLANNING  
 LANDSCAPE ARCHITECTURE  
 850 MIDDLE TENNESSEE BOULEVARD MURFREESBORO, TENNESSEE 37129  
 PHONE: (615) 890-7901 E-MAIL: MTAYLOR@SEC-CIVIL.COM FAX: (615) 895-2567

**REVIEW SET**  
 (Not Intended for Construction)

**627 East Street**  
 Murfreesboro, Tennessee

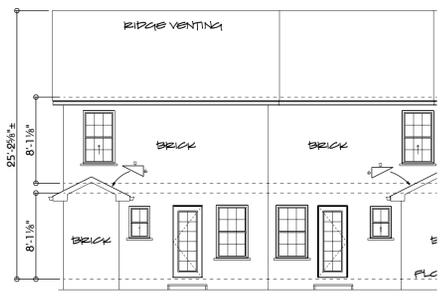
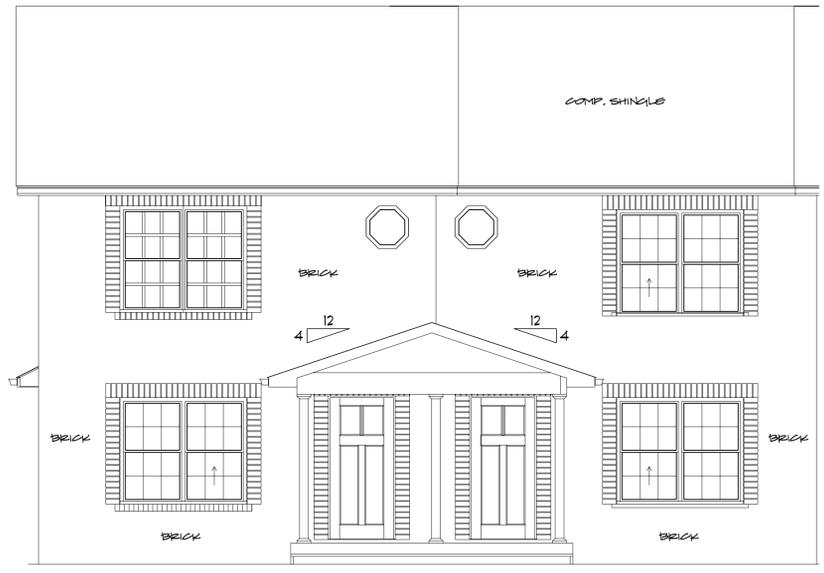
**Existing Conditions**

REVISED: \_\_\_\_\_  
 DRAWN: SJA  
 DATE: 2-10-20  
 CHECKED: \_\_\_\_\_  
 MAT  
 FILE NAME: 1928Bbz.dwg  
 SCALE: 1" = 10'  
 JOB NO. 19288  
 SHEET: 1 of 3

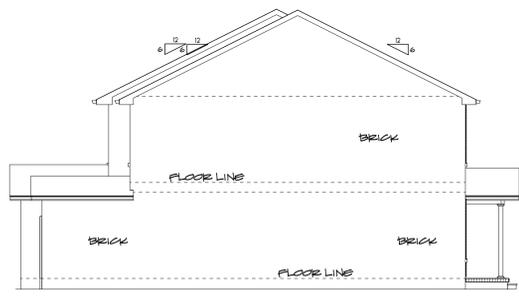




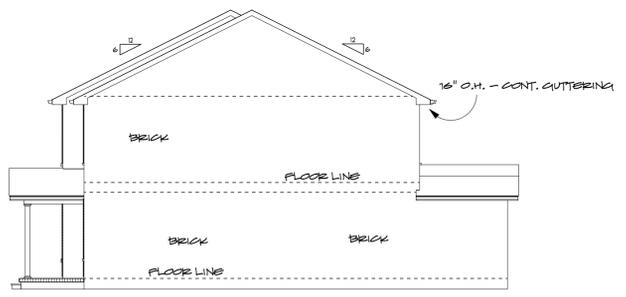




REAR VIEW - 1/8"



LEFT VIEW - 1/8"



RIGHT VIEW - 1/8"

DRAWINGS, SPECS AND ALL RELATED ITEMS WILL REMAIN THE PROPERTY OF ELITE CONCEPTS AND DESIGN. THE CLIENTS RIGHT IS CONDITIONAL AND LIMITED TO A ONE TIME USE. PLANS MAY NOT BE SOLD, LOANED, OR GIVEN TO OTHERS FOR THE PURPOSE OF CONSTRUCTING ANOTHER PROJECT. POSSESSION OF PLANS DOES NOT AUTHORIZE CONTAINED USE FOR CONSTRUCTION OF OTHER PROJECTS. PLANS ARE COPYRIGHTED, AND MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE ORIGINAL DESIGNER. WHILE EVERY POSSIBLE ATTEMPT HAS BEEN MADE TO AVOID ERRORS, OMISSIONS, AND MISTAKES, ELITE CONCEPTS AND DESIGN WILL NOT BE LIABLE IN ANY WAY FOR HUMAN ERROR, OMISSIONS, AND MISTAKES MADE BY THE DESIGNER BEFORE, DURING, OR AFTER CONSTRUCTION. IT IS RECOMMENDED THAT THE CONTRACTOR CHECK AND VERIFY ALL DIMENSIONS AND CONSTRUCTION METHODS BEFORE STARTING CONSTRUCTION, TO AVOID SUCH ERRORS. ELITE CONCEPTS AND DESIGN ASSUMES NO LIABILITY FOR ANY HOME CONSTRUCTED FROM THIS PLAN. THIS EXCLUSION FROM LIABILITY INCLUDES ALL CASES THAT MAY ARISE FROM COPYRIGHT INFRINGEMENT ON OTHER HOUSEPLANS, IF ANY IDEAS OR DESIGNS WERE TAKEN FROM OTHER SOURCES BESIDES ORIGINAL IDEAS FROM ELITE CONCEPTS AND DESIGN AND/OR THE CLIENTS. THE PURCHASER OF THESE PLANS WILL ACCEPT ALL LEGAL RESPONSIBILITIES AND LEGAL FEES THAT MAY BE APPLICABLE. ELITE CONCEPTS AND DESIGN TRANSFERS ALL RELATED LEGAL RESPONSIBILITIES TO THE PURCHASER OF THESE PLANS FOR ANY AND ALL COPYRIGHT INFRINGEMENT RESPONSIBILITY.

ELEVATIONS



SCALE 1/4" = 1'-0" UNLESS NOTED

PLAN NUMBER 5171

DRAWN BY CHRIS TURNER

REVIEWED BY CHRIS TURNER

9 / 30 / 2019

2 OF 9

CERTIFIED PROFESSIONAL BUILDING DESIGNER A.I.B.D. - N.C.B.D.C.



RED SIGNATURE REQUIRED FOR BUILDING PERMITS AND MORTGAGES



**MURFREESBORO BOARD OF ZONING APPEALS**

**STAFF REPORT**

**FEBRUARY 26, 2020**

**Application:** Z-19-006

**Location:** The northeast corner of Shelbyville Pike and Tiger Hill (Map 136, Parcel 02701)

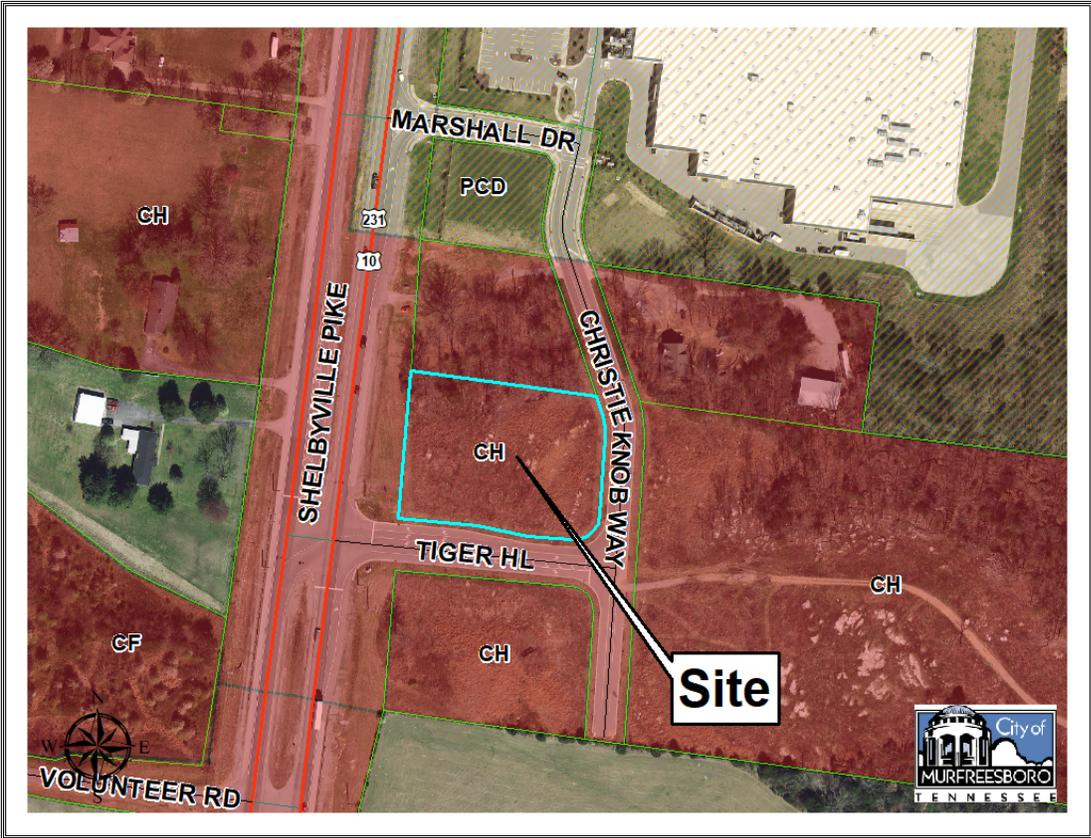
**Applicant:** Matt Taylor of SEC, Inc., for RaceTrac

**Owner:** M&W Murfreesboro Joint Venture

**Zoning:** Commercial Highway (CH)

**Requests:**

- A variance from Section 25(E)(5) of the City of Murfreesboro Zoning Ordinance, which requires that accessory structures adhere to the same front and side setbacks as the principle structure.
- A 33’ variance from the minimum required 42’ front building setback in the CH zone, as stated in Chart 2 (*Minimum Lot Requirements, Minimum Yard Requirements, and Land Use Intensity Ratios*) of the City of Murfreesboro Zoning Ordinance.



## **Overview of Request**

The subject property is located at the northeast corner of Shelbyville Pike and Tiger Hill. It also has frontage on its east side with Christie Knob Way. The property is identified as Lot 3 of the Wal-Mart Supercenter Subdivision and contains 1.55 acres. RaceTrac proposes to develop this lot with a convenience market with gas pumps. The property is zoned Commercial Highway (CH). A gas station is permitted by right in the CH district. The development is proposed to have vehicular access to all three adjacent streets -- Christie Knob Way, Tiger Hill, and Shelbyville Pike. RaceTrac wishes to construct a solid waste enclosure for its Dumpster at the southeast corner of the property near the intersection of Tiger Hill and Christie Knob Way. The solid waste enclosure is proposed to encroach into the 42' front setback by approximately 33', meaning that it is proposed to be located approximately 9' from the front property line at its closest point.

The principal structure is proposed to be 5,411 square-feet in size and includes an outside eating area on the side of the building facing Tiger Hill. The solid waste enclosure is proposed to measure 12'x 20.4' and be "built into the slope" of the southeast corner of the property. According to the applicant, due to the slope of the land and proposed usage of retaining walls and landscaping, the visibility of the solid waste enclosure, which would consist of masonry construction, would be greatly minimized. The ground where it will be located will be approximately 16' lower than the roadway at the intersection of Tiger and Christie Knob. The applicant has looked at other potential locations on-site. There are challenges with the topography at the rear of the building. Alternately, if the solid waste enclosure was to be located directly to the south of the building where parking spaces are currently shown, it would actually be much more visible and arguably more unsightly than its proposed location at the southeastern corner of the lot.

## **Relevant Zoning Ordinance Section**

The following sections of the Zoning Ordinance are relevant to this request, as is Section 10, which contains the standards and proof required for variances, and Chart 2, which contains the minimum setback requirements for the CH zone.

### **25(E)(5):**

in commercial and industrial districts, temporary and accessory structures and uses, except fences, walls, and hedges, shall comply with the same front, side, and rear setback as is required for the principal structure except as noted in this subsection. Provided, however, a detached accessory structure used for storage or as a dumpster enclosure may be located not less than five feet from a side or rear lot line provided it is less than two hundred square feet in floor area;

## **Standards For Variances from Section 10 of the Zoning Ordinance:**

### 1. Standards and proof required for variances.

Bulk variances and other variances. No bulk variance or other variance shall be granted unless the applicant establishes that the bulk or other regulations generally

applicable in the zoning classification for the property for which a variance is requested impose practical difficulties which are unusual to the property and are not self-created. The applicant must also show that the bulk or other variance requested will not be unduly detrimental to other property in the vicinity of the property for which the variance is requested. Additionally, to satisfy the requirements outlined in this subsection for the granting of a bulk or other variance, an applicant shall establish the existence of the following:

- a. Practical difficulties. The narrowness, shallowness or shape, topography or other condition of the land is such that it is extraordinarily difficult to comply with the generally applicable bulk or other regulations of the zoning classification for the property.

*According to the applicant, the site has an average slope of over 8%, which is extremely steep for land in Murfreesboro and more specifically commercial lots. The applicant contends that most commercial lots have slopes of 2%. Moreover, the applicant states that having frontage on three public streets, with three corresponding front setbacks, negatively impacts his ability to locate the solid waste enclosure.*

- b. Unusual characteristics of the subject property. The property is unusual in that it has unusual physical features compared to other property located in the same zoning district.

*According to the applicant, the site is unusually steep compared to most properties in Murfreesboro.*

- c. Not self-created. The condition of the property has not resulted from any deliberate action by the owner.

*According to the applicant, his client has not modified the grades on the property to create the current conditions.*

2. **Findings.** The BZA must make specific written findings of fact on each of the standards for a variance in either granting or denying the variance. Said findings will determine that the variance will not impair an adequate supply of light and air to adjacent property, or unreasonably increase the congestion in public streets, or increase the danger of fire or endanger the public health, safety, comfort, morals, or welfare of the inhabitants of the City.

The applicant will be in attendance to respond to any questions the Board may have.

**Attached Exhibits**

- 1) BZA Application
- 2) Applicant Letter
- 3) Site Photos
- 4) Site Plan

1) BZA Application

City of Murfreesboro <b>BOARD OF ZONING APPEALS</b>		<b>HEARING REQUEST APPLICATION</b>	
Location/Street Address: NE Int. of Tiger Hill & Shelbyville Hwy			
Tax Map: 136	Group:	Parcel: 27.01	Zoning District: CH
Applicant: RaceTrac c/o Victor Sutapaha E-Mail:vsutapaha@racetrac.com			
Address: 200 Galleria Pkwy SE, Ste 900		Phone: 404-445-9305	
City: Atlanta		State: GA	Zip: 30339
Property Owner: M&W Murfreesboro Joint Venture			
Address: 1025 Westhaven Blvd		Phone: (615) 351-0559	
City: Franklin		State: TN	Zip: 37064
Request: Variance to allow an accessory structure (dumpster) to be in the front setback of Tiger Hill			
Zoning District: CH			
Applicant Signature: 		Date: 2/9/2020	
Received By:		Receipt #:	
Application #:		Date:	

**Murfreesboro  
Board of  
Zoning Appeals**



**T E N N E S S E E**

**HEARING APPLICATION  
AND  
GENERAL INFORMATION**

## 2) Applicant Letter

**SEC, Inc.**

**SITE ENGINEERING CONSULTANTS**

Engineering • Surveying • Land Planning  
Landscape Architecture

850 Middle Tennessee Blvd, Murfreesboro, TN 37129  
www.sec-civil.com • 615-890-7901 • fax 615-895-2567

February 9, 2020

Mrs. Marina Rush  
Planning & Engineering Department  
City of Murfreesboro  
111 W. Vine Street  
Murfreesboro, TN 37133

Re: Zoning Variance Application  
RaceTrac Tiger Hill  
Wal-Mart Super Center Lot 3  
Murfreesboro, TN

Dear Marina,

On behalf of our client, RaceTrac, we are pleased to submit a variance request for the property listed above to your office for consideration at the February 26, 2020 BOZA meeting. We held our Pre-Application Conference on Wednesday, January 8th. In that meeting, we identified the need for a variance on this site. As required within the submittal application, we have enclosed the following items for your review and consideration of this submittal.

- 6 sets of Site Plans
- \$350 Check
- BOZA Application

Pursuant to Section 10 – Variances of the City of Murfreesboro, TN Zoning Ordinance in regards to the above noted project, the following information should fulfill the needed application submittal request.

**(d) Procedure**

- a) Name, address, and telephone number of the applicant*  
RaceTrac c/o Victor Sutapaha  
200 Galleria Pkwy SE, Ste 900  
Atlanta, GA 30339  
404-445-9305
- b) Nature and extent of the applicant's interest in the property for which a variance is requested.*  
RaceTrac is proposing to develop the property for a convenience store/gas station.
- c) A plot plan showing the dimensions of the property for which a variance is requested.*  
Included with this submittal are 6 copies.
- d) The street address and legal description of the property for which a variance is requested.*

The proposed site is located at the northeast corner of the intersection of Shelbyville Highway/South Church Street/US-231 and Tiger Hill on Lot 3 of the Wal-Mart Supercenter Subdivision. It is also shown on Plat Book 38 Page 174. It is referenced in Record Book 827 Page 1546 at the Register's Office for Rutherford County, Tennessee. The property can be referenced as Map Number 136, Parcel 27.01.

- e) *Zoning classification of the property for which a variance is requested.*  
Current zoning of the property is CH (Commercial Highway).
- f) *A statement of the exact variance sought and section of this article from which a variance is requested.*  
The variance request is for an except to allow a dumpster to be located in the required front setback as referenced in the current Zoning Ordinance as Section 25, Article E (5).
- g) *A statement of the purpose for the requested variance and the intended development of the property if the variance is granted.*  
The purpose of the request is to allow the site's dumpster to be located in the southeast corner of the lot which is within the front setback of Tiger Hill and Christie Knob Way. The proposed location will meet the intent of the zoning ordinance by minimizing the visibility of the dumpster because this location will allow the dumpster to be "built into the slope" with retaining walls and further hidden by landscaping. The application also includes renderings displaying the views from Christie Knob Way and Tiger Hill. Locating the dumpster to the rear of the building would result in an unworkable system of setbacks to allow for access from the building to the dumpster.
- h) *If a use variance is sought, a statement setting forth the reason why a variance and not a zoning amendment is appropriate and stating whether the applicant previously sought a zoning amendment for such property, and if so, the disposition of the request for such amendment.*  
A use variance is not being requested.
- i) *Unless otherwise modified by the zoning administrator, in accordance with standards established by said board in rules published from time to time, a vicinity map showing the property, which is the site of the requested variance and all parcels of property within a five hundred – foot radius if such property is located within the city. Such vicinity map shall show any and all streets, road or alleys, and shall indicate the owner's name and dimension of each parcel of property shown.*  
A vicinity map has been included with this submittal.

(e) Standards and proof required for variances

(2) Bulk variances and other variances

- a) *Practical difficulties. The narrowness, shallowness or shape, topography or other condition of the land is such that it is extraordinarily difficult to comply with the generally applicable bulk or other regulations of the zoning classification for the property.*  
The site has an average slope of over 8% which is extremely steep for land in Murfreesboro and more specifically commercial lots. Most commercial lots have slopes of approximately 2%. In addition, lots with public right-of-way on 3 sides and therefore 3 front setbacks is extremely rare. Most lots have frontages on two public right-of-ways at most while many only have frontage on a single public right-of-way.

b) *Unusual characteristics of the subject property. The property is unusual in that it has unusual physical features compared to the other property located in the same zoning district.*

**The site is unusually steep compared to most properties in Murfreesboro especially platted commercial lots. It is specific to the general vicinity of Tiger Hill.**

c) *Not self-created. The condition of the property has not resulted from any deliberate action by the owner.*

**The site is in its original condition. The applicant has not modified the grades on the site.**

We thank you for your consideration of this variance request, and if you have any questions, comments or need of any additional information please feel free to contact me at 615-890-7901 or [mtaylor@sec-civil.com](mailto:mtaylor@sec-civil.com).

Sincerely,



Matt Taylor, P.E.  
Vice-President/Design Engineer  
SEC, Inc.

Enclosures

### 3) Site Photos

(Intersection of Christie Knob Way and Tiger Hill – Looking west)

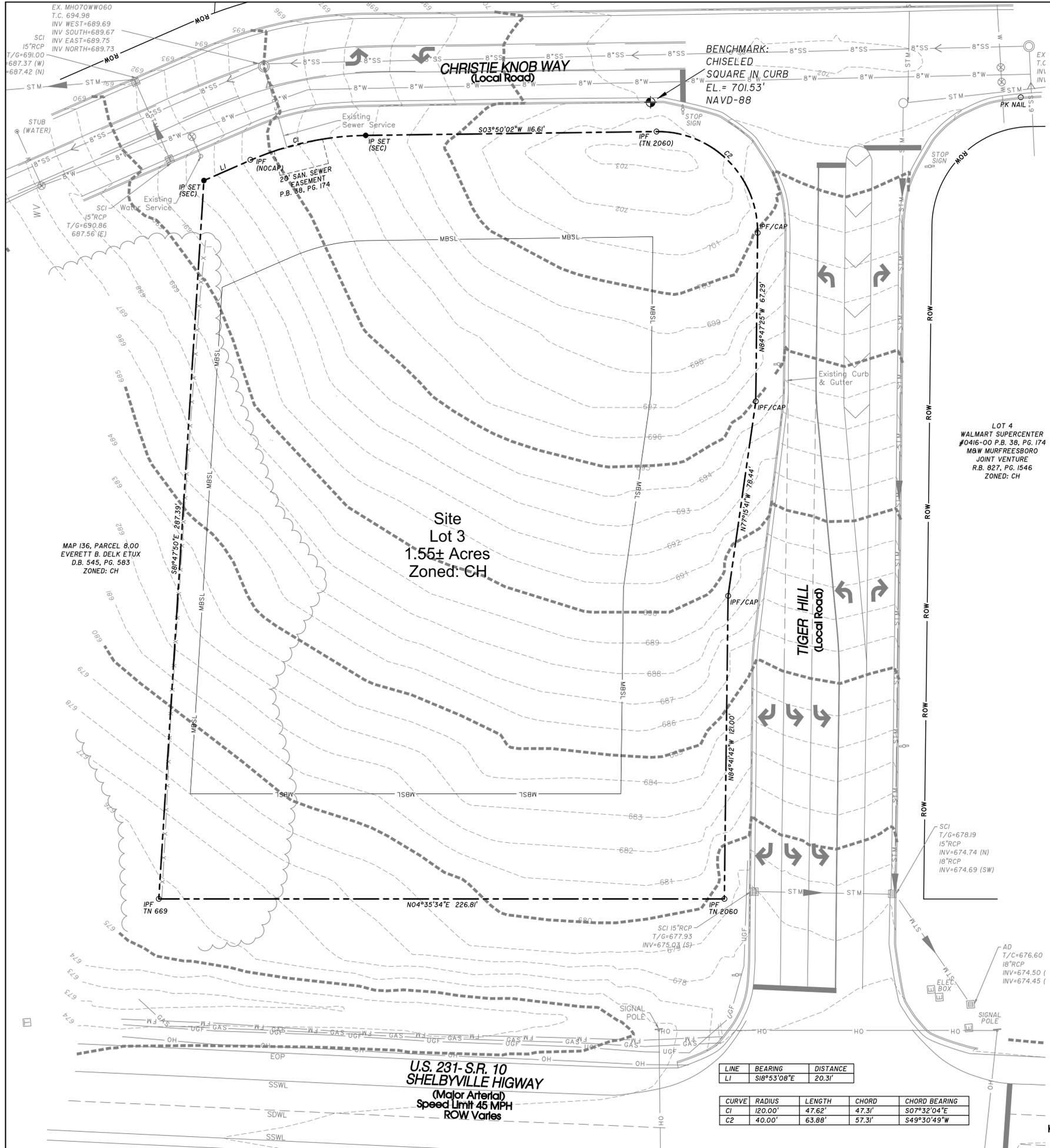


(Tiger Hill – Looking north)



(Intersection of Christie Knob Way and Tiger Hill – Looking northwest)





**Owner:**  
M&W Murfreesboro Joint Venture  
1025 Westhaven Blvd. Ste 250  
Franklin, TN 37064

**Developer:**  
Race Trac Petroleum, Inc.  
200 Galleria Pkwy. SE, Ste 900  
Atlanta, GA 30339  
Contact: Victor Sutapaha  
Phone: 770-431-7600

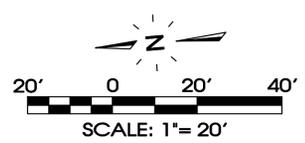
**Deed Reference:**  
Tax Map 136, Parcel 27.01  
R.Bk. 827, Pg. 1546  
P.Bk. 1546, Pg. 174

**Yard Requirements:**  
Front: 42'  
Side: 20'  
Rear: 10'

**Land Use Data:**  
Zoned: CH  
1-Story Building  
Building Ht.: 25'-0"  
Total Floor Area: 5,411 Sq.Ft.  
1 Lot on: 1.55± Acres

**Parking Requirement:**  
 $\frac{1 \text{ Space}}{200 \text{ Sq. Ft.}} \times 5,411 \text{ Sq. Ft.} + 16 \text{ Outdoor Seats} \times \frac{1 \text{ Space}}{2 \text{ Seats}} = 26 \text{ Spaces Required}$   
Provided: 26 Regular + 2 H.C. = 28 Total Spaces Provided

**Flood Map No.:**  
This site lies within Zone X, not in the 100 Year Floodplain, per Community Panel 47149C0270H dated January 5, 2007.



Legend:	
EXIST. CONCRETE MONUMENT	BENCHMARK
IRON PIN SET (I.P.S.)	HANDICAP PARKING SYMBOL
IRON PIN FOUND (I.P.F.)	V.A. VAN ACCESSIBLE HANDICAP DESIGNATION
EXIST. SIGN POST	HC SIGN
EXIST. SEWER CLEANOUT	PROPOSED SIGN POST
EXIST. MANHOLE (SEWER & PHONE)	CONCRETE BOLLARD
EXIST. CATCH BASIN (STORM SEWER)	WHEEL STOP
EXIST. WATER/GAS VALVE	CONCRETE SIDEWALK
EXIST. TELEPHONE RISER	EXTRUDED CURB
EXIST. GAS RISER	CURB & GUTTER
ELECTRICAL ENCLOSURE	TRAFFIC ARROW
EXIST. WATER METER	TURN LANE ARROWS
EXIST. UTILITY POLE	REVISION NUMBER
EXIST. FIRE HYDRANT	DRAINAGE STRUCTURE DESIGNATION
POST INDICATOR VALVE	DRAINAGE PIPE DESIGNATION
BLOW OFF VALVE	RIP RAP
REDUCER	RUNOFF FLOW ARROW
REMOTE FIRE DEPT. CONNECTION	INLET FILTER PROTECTION
CONCRETE THRUST BLOCK	PROPOSED SPOT ELEVATION
DOUBLE DETECTOR CHECK VALVE	EXIST. SPOT ELEVATION
FIRE DEPT. CONNECTION	SEWER/STORM FLOW DIRECTION
FIRE HYDRANT	CATCH BASIN
GATE VALVE & BOX	CURB INLET
WATER METER	AREA DRAIN
GAS METER	HEADWALL
GREASE TRAP	WINGED HEADWALL
EXTERIOR CLEANOUT ECO	CONCRETE SWALE
MANHOLE	TYPE - X - HEADWALL
EXISTING PHONE	PH
EXISTING ELECTRIC	OH
PROPERTY LINE	
EASEMENTS	
RIGHT OF WAY	ROW
EROSION CONTROL SILT FENCE	SF SF
EROSION EEL	E E E
EXISTING TREELINE	
EXISTING FENCELINE	X X X X
MINIMUM BUILDING SETBACK LINE	
PHASE BOUNDARY	
EXISTING GAS LINE	GAS
PROPOSED GAS LINE	GAS
EXISTING STORM	STM
PROPOSED STORM	STM
EXISTING CONTOUR LINES	601
PROPOSED CONTOUR LINES	601
EXISTING SANITARY SEWER	SS
PROPOSED SANITARY SEWER	SS
EXISTING WATER	W
PROPOSED WATER	W

NO.	DATE
<b>REVIEW SET</b> (Not Intended for Construction)	
<small>THESE PLANS ARE SUBJECT TO FEDERAL COPYRIGHT LAWS. ANY USE OF SAME WITHOUT THE EXPRESS WRITTEN PERMISSION OF RACETRAC PETROLEUM, INC. IS PROHIBITED.</small>	
RACETRAC PETROLEUM, INC. 200 GALLERIA PARKWAY SE SUITE 900 ATLANTA, GA 30339 (770) 431-7600	
EXISTING CONDITIONS	RT 1325 - TIGER HILL
	US231 @ Tiger Hill Murfreesboro, Tennessee Rutherford County
DRAWN-BY	SJA/GRJ
DATE	2/10/2020
SCALE	1" = 20'
DRAWING NAME:	1922820a.dwg
C1	VERSION

**SEC, Inc.**  
**SITE ENGINEERING CONSULTANTS**  
ENGINEERING • SURVEYING • LAND PLANNING  
LANDSCAPE ARCHITECTURE  
850 MIDDLE TENNESSEE BOULEVARD  
MURFREESBORO, TENNESSEE 37129  
NO PORTION OF THIS DRAWING MAY BE REPRODUCED WITHOUT THE EXPRESS WRITTEN CONSENT OF S.E.C., INC.







# Tiger Hill Racetrac

## LANDSCAPE PLAN

**SITE DATA**  
 SITE AREA: 1.55 ACRES  
 SITE ZONING: CH

**OPEN SPACE REQUIREMENTS**  
 20% OF OPEN SPACE (LANDSCAPE AREAS GREATER THAN 200 SF) IS REQUIRED PER PHASE.  
 OPEN SPACE REQUIRED 1.55 AC x 20% = 0.31 AC  
 OPEN SPACE PROVIDED = 0.51 AC (32.87%)  
 FORMAL OPEN SPACE REQUIRED = 2,000 SF  
 FORMAL OPEN SPACE PROVIDED = 2,085 SF

**LANDSCAPE REQUIREMENTS (AS PER SECTION 27)**

REQUIRED PERIMETER LANDSCAPING	REQUIRED	PROVIDED
<b>(NORTHERN PERIMETER)</b> 287.39 LF 1 SHADE TREE/ 40 LF OF FRONTAGE	7 TREES	7 TREES
<b>(CHRISTIE KNOB WAY)</b> (216.48' - 42.52') = 173.96 LF 1 SHADE TREE/ 40 LF OF FRONTAGE 1 SHRUB / 5LF OF FRONTAGE	4 TREES 34 SHRUBS	4 TREES 34 SHRUBS
<b>(TIGER HILL - SOUTH)</b> (298.68' - 34.77') = 263.91 LF 1 SHADE TREE/ 40 LF OF FRONTAGE 1 SHRUB / 5LF OF FRONTAGE	7 TREES 53 SHRUBS	7 TREES 53 SHRUBS
<b>(TIGER HILL - WEST)</b> (226.81' - 46.02') = 180.79 LF 1 SHADE TREE/ 40 LF OF FRONTAGE 1 SHRUB / 5LF OF FRONTAGE	5 TREES 36 SHRUBS	5 TREES 36 SHRUBS

**PARKING LOT REQUIREMENTS**  
 ONE SHADE TREE OR TWO ORNAMENTAL TREES PER 12.5 PARKING STALLS TO BE PLANTED IN LANDSCAPE ISLANDS (MIN. 8' WIDTH).  
 26 PARKING SPACES PROVIDED = 2 TREES REQUIRED  
 7 TREES PROVIDED IN ISLANDS

**DESIGN GUIDELINES: LANDSCAPE REQUIREMENTS**

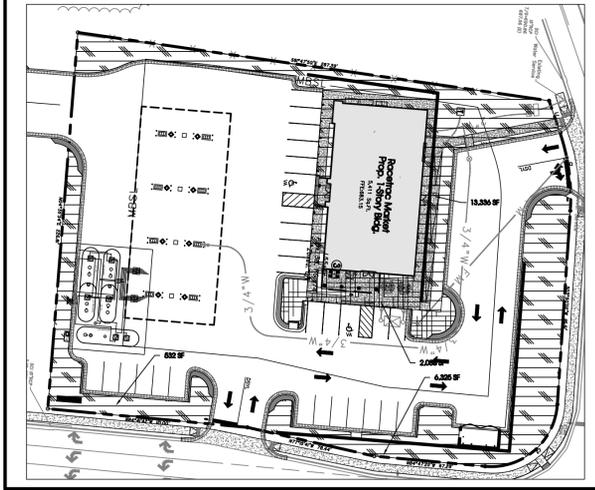
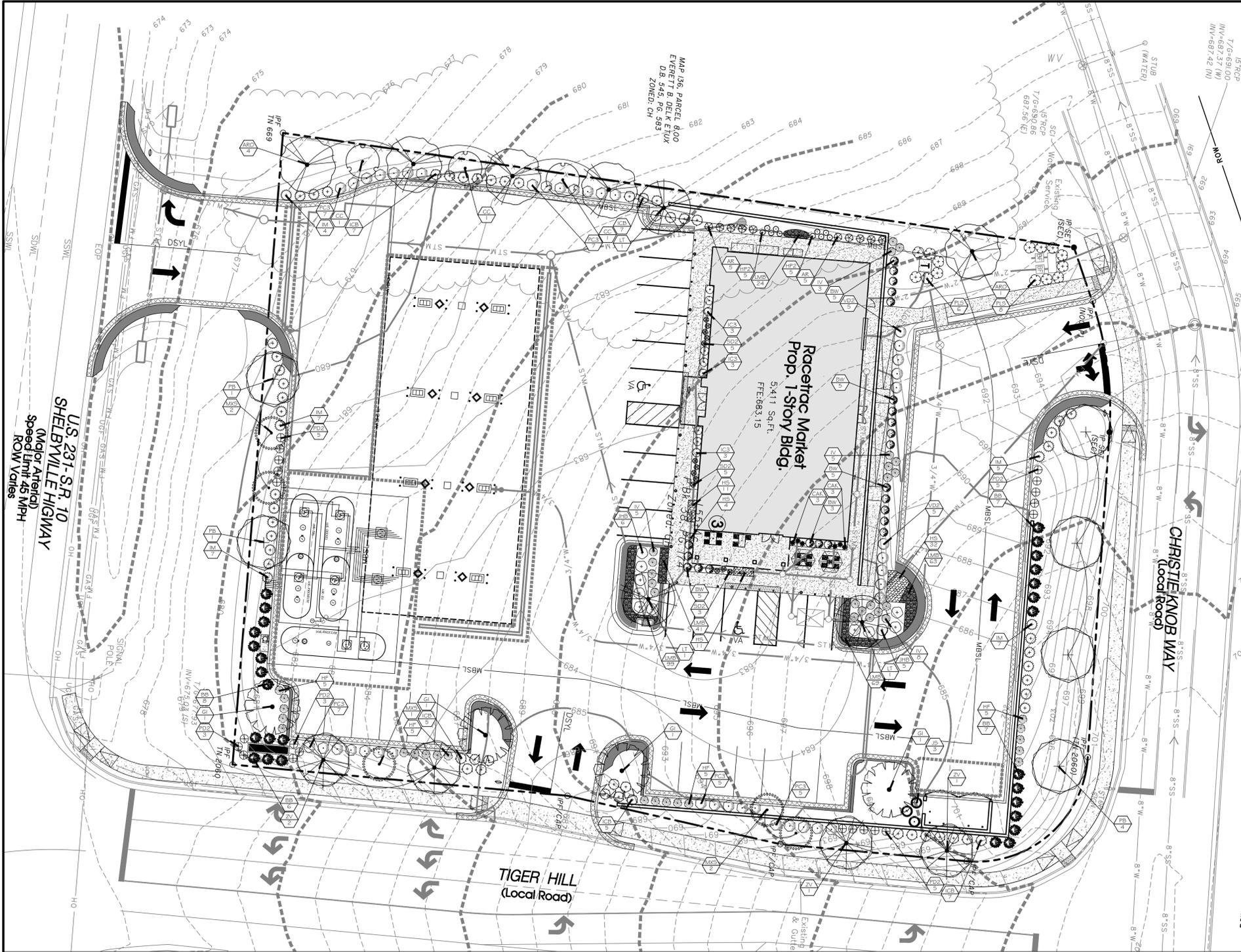
REQUIRED PERIMETER/PARKING TREES:	TREES REQUIRED	TREES PROPOSED
10% REQUIRED 4" CALIPER:	25	30
15% REQUIRED 3" CALIPER:	3	3
75% REQUIRED 2.5" CALIPER:	4	19
	18	8

**PLAN NOTES:**

- ANY TREES OR SHRUBS THAT ARE DEAD, DYING OR MISSING OUTSIDE THE SCOPE OF THE CURRENT WORK WILL NEED TO BE REPLACED PRIOR TO ISSUANCE OF CERTIFICATE OF OCCUPANCY.
- ALL LANDSCAPE BEDS TO HAVE NEATLY TRENCHED BED EDGE AND HAVE 4" MINIMUM DEPTH OF HARDWOOD MULCH.
- ALL TREES AND SHRUBS SHALL BE COORDINATED WITH LIGHTING PLAN PRIOR TO INSTALLATION.
- ALL NEW PLANT MATERIAL AND SOD AREAS SHALL BE IRRIGATED.
- ALL SHRUBS TO BE 3' BACK OF CURB.
- ALL AREAS OF DISTURBANCE OUTSIDE OF LANDSCAPE BEDS SHALL BE REPAIRED WITH REBEL III FESCUE SEED OR SOD.
- ANY UTILITY STRUCTURE, LIGHT POLES, SIGN, OR OTHER FEATURE MAY NOT BE ADDED TO ANY REQUIRED LANDSCAPE ISLAND IN SUCH A MANNER THAT WOULD DISPLACE THE REQUIRED ELEMENT(S) (TREES, SHRUBS, ETC).
- PROPERTY OWNER IS RESPONSIBLE FOR MAINTAINING ALL LANDSCAPING MATERIALS, INCLUDING TURF, AND IRRIGATION MATERIALS BOTH ON SITE, AND INSIDE THE ROW.

**PLANTING SCHEDULE NOTES**

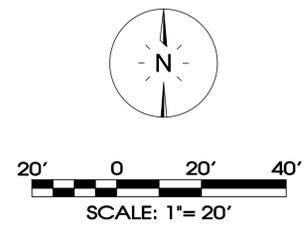
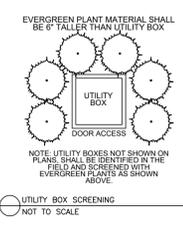
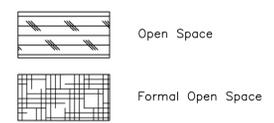
- SHRUBS AND TREES SHALL BE OF THE HIGHEST QUALITY.
- NO SUBSTITUTIONS ALLOWED WITHOUT PRIOR WRITTEN APPROVAL OF THE OWNER AND LANDSCAPE ARCHITECT OF RECORD.
- SUBSTITUTIONS AND DEVIATIONS MAY OR MAY NOT BE APPROVED.
- REVISED LANDSCAPE PLANS MUST BE SUBMITTED AND APPROVED BY THE CITY OF MURFREESBORO PLANNING DEPARTMENT 615-893-6441 PRIOR TO INSTALLATION.
- ALL IRRIGATION, LAWN AND PLANT MATERIALS WITHIN THE ROW MUST BE MAINTAINED BY THE PROPERTY OWNER.



**Open Space Calculation**

Open Space:  
 Required: (20%)(1.55 Ac.) = 0.31 Acres (13,504 Sq.Ft.)  
 Provided: 22,278 Sq.Ft. or 0.51 Acres (32.87%)

Formal Open Space:  
 Required: 2,000 SF  
 Provided: 2,085 SF



	DATE NO.
THESE PLANS ARE THE PROPERTY OF RACETRAC PETROLEUM, INC. ANY USE OF SAME WITHOUT THE EXPRESS WRITTEN PERMISSION OF RACETRAC PETROLEUM, INC. IS PROHIBITED.	
	RACETRAC PETROLEUM, INC. 1000 GALLERIA PARKWAY SE SUITE 900 ATLANTA, GA 30339 (770) 431-7600
Landscape Plan RT 1325 - TIGER HILL	US231 @ Tiger Hill Murfreesboro, Tennessee Rutherford County
DRAWN-BY: SWL DATE: 12/12/2019 SCALE: 1"=20' DRAWING NAME: 10228RacTrac_LA.dwg	SHEET NO. VERSION













**Viewpoint #1**



**Viewpoint #2**



**Viewpoint #3**

# MURFREESBORO BOARD OF ZONING APPEALS

## STAFF REPORT

February 26, 2020

**Application:** Z-20-004

**Location:** 1020 North Rutherford Boulevard

**Applicant:** Ms. Jennifer Thibodeaux, for Trinity Presbyterian Church

**Owner:** Trinity Presbyterian Church of Murfreesboro

**Zoning:** RS-15

**Request:** A special use permit for the expansion of an existing institutional group assembly use (a church) in a Residential Single-Family (RS-15) zone.



## **Overview of Request**

Trinity Presbyterian Church requests a Special Use Permit for the expansion of an existing institutional group assembly use (a church) in a Residential Single-Family (RS-15) zone. The property in question is located at 1020 North Rutherford Boulevard, just to the north of Halls Hill Pike. It is bordered by agricultural land to the east, the Rutherford Green single-family residential subdivision to the south, and the North Boulevard Church of Christ to the north. The Board of Zoning Appeals (BZA) approved the original Special Use Permit for Trinity Presbyterian Church at this location in 2000. The proposed expansion consists of a new 1,750 square-foot building addition along with parking lot modifications. The addition includes an expansion of the existing sanctuary and additional classrooms. The seating total in the sanctuary will increase from 254 seats to 356 seats.

The applicant addresses each of the applicable standards in her submittal. Staff's primary concern is that the building materials proposed for the new area are not consistent with the existing structure. Staff recommends revising the elevations to show brick to match the existing structure in place of the proposed board and batten siding.

## **Relevant Zoning Ordinance Sections**

Chart 2 of the City of Murfreesboro Zoning Ordinance allows institutional group assembly uses as a special use in the RS-15 district. City of Murfreesboro Zoning Ordinance Section 9(D)(zz) sets forth standards for institutional group assembly uses in addition to the Standards of General Applicability Section 9(C).

After reviewing the criteria for the special use requirements for institutional group assembly uses, this project appears to meet the criteria.

## **Standards of General Applicability with Staff analysis**

- 1. 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, and utility facilities, and other matters affecting the public health, safety and general welfare.**

Provided that the exterior building materials for the addition are modified in order to match the existing brick, it is Staff's opinion that this expansion will have minimal impact on the character of the neighborhood or the other items listed above.

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

Provided that the exterior building materials for the addition are modified in order to match the existing brick, it is Staff's opinion that the expansion will be compatible with the immediate vicinity.

3. **That the proposed buildings 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 persons or agencies responsible would provide such services.**

The proposed expansion will have minimal impact on the above items.

4. **That the proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be significant natural, scenic, or historic importance.**

Neither Staff nor the applicant are aware of any such features associated with this property.

5. **That the proposed building/use complies with all additional standards imposed on it by the particular provision of this section authorizing use.**

The proposed use will comply with the additional standards for institutional group assembly uses. (See below for additional detail.)

**Additional Standards for Self-Service Storage Facilities with Staff Analysis**

Institutional group assembly shall be subject to the following additional standards:

- [1] Parking areas shall be designed and arranged so that backing from the site onto a public right-of-way will not be necessary and adequate space will be available for vehicles to turn around on-site. An on-site off-street area shall be provided for vehicles to load and unload passengers. Parking areas shall not be permitted in the required front yard;**

No parking requiring vehicles to back out onto public right-of-way is included. The request depicts adequate off-street area for parking and for vehicles to load and unload. There are existing parking spaces that encroach into the required front yard (i.e., the required front setback). However, no *new* parking areas are proposed within the required front yard.

- [2] In all residential districts an institutional group assembly use shall have a lot size not less than three times the minimum lot size permitted in the zoning district where the institutional group assembly use is proposed to be located. In the event the institutional group assembly use is proposed to be located on land that has two or more different zoning classifications, the minimum lot size shall be calculated by applying the larger required minimum lot size;**

According to the applicant, the property is zoned RS-15 and consists of approximately 8 +/- acres or ~348,480 square-feet. The minimum lot size required in the RS-15 district is 15,000 square-feet, so the minimum lot size for an institutional group assembly use in an RS-15 zone is 45,000 square-feet. The subject property meets this requirement.

- [3] On-site lighting for parking areas, fields for athletics, scoreboards, and grounds shall be arranged in such a manner as to minimize intrusion of lighting into areas zoned or**

**used for residential or medical purposes. To this end, a plan depicting the proposed location of on-site exterior lighting fixtures shall be submitted for review by staff and the BZA. Such plan shall depict the arrangement of the lighting fixtures, their height, their specifications, and the direction in which lighting will be oriented. Additional information may be required by the staff or the BZA in order to verify whether the lighting will be intrusive into areas zoned or used for residential or medical purposes;**

According to the applicant, there are no plans to alter the existing site lighting. Additional lighting may be needed, however, to illuminate non-defensible spaces, such as parking areas and walkways. If it is determined that additional lighting is needed, then it will be required to adhere to all lighting standards found in the Zoning Ordinance and the Design Guidelines.

**[4] Applications for an institutional group assembly use shall indicate the proposed locations of garbage dumpsters or receptacles. These facilities shall be located in such a manner as to minimize adverse effects upon neighboring properties and aesthetics from the public right-of-way. The use of dumpsters may be prohibited in the event the BZA determines that such would have a detrimental effect upon the adjacent property;**

There is an existing Dumpster in the parking lot. It is not currently located within an enclosure. Staff recommends that a masonry enclosure be required as a part of this application in order to mitigate the negative visual impact of the Dumpster.

**[5] Areas for outdoor recreational use or outdoor group activities shall be screened or fenced in such a manner as to provide an effective buffer for adjacent uses. Screening shall be required pursuant to Section 27 of this article or as required by the BZA;**

The church currently has a playground located at the rear of the building and is not visible from other properties. No additional outdoor areas are proposed with this application.

**[6] The number of required parking spaces provided on-site shall be in accordance with Chart 4 of this article provided, however, if the applicant can present evidence satisfactory to the BZA that a substantial portion of the expected users will arrive at the institutional group assembly use by bus, bicycle, walking, or by carpooling or that off-street parking areas on adjacent or nearby properties will be available on a long term basis, the BZA shall have authority to determine the number of required parking spaces to be provided on-site. The BZA may require that a reserve area be retained on-site for future expansions of the parking area;**

Based on the number of proposed seats in the sanctuary, 45 standard parking stalls are required per the Zoning Ordinance. According to the plans submitted, 131 standard parking stalls are provided, which meets minimum parking requirements.

**[7] an application for a special use permit for an institutional group assembly use shall be accompanied by a description of uses or activities proposed for the facility which may be subject to separate regulation or which may result in unusual traffic patterns, traffic volumes, or other detrimental impacts upon adjacent properties, including but not necessarily limited to those uses which would require a special permit if not a part of the institutional group assembly use;**

According to the applicant, the addition is for additional seating for Sunday morning service. There are no changes to the use of the property other than the increased capacity for Sunday morning service and activities.

**[8] the BZA shall have authority to approve an on-site location with water, sewer, and electric utility connections for accommodations for travel trailers or R.V.s (recreational vehicles) for use by visiting or traveling speakers or guests associated with the institutional group assembly use. Provided, however, such location for travel trailers or R.V.s shall not be permitted for use as a permanent residential dwelling unit;**

No such provisions are being requested with this application.

**[9] the BZA shall have the authority to grant variances to the standards imposed by this subsection for temporary or short term uses of property for the institutional group assembly use purposes. In such cases, the BZA may impose conditions of approval to assure the compatibility of the short-term land use with other property in the vicinity of the proposed use; and**

No new short-term land uses are proposed with this application.

**[10] the application for a special use permit for an institutional group assembly use shall indicate any intentions for the use of systems for the external broadcast of speech, music, or other sounds. If such are proposed, the applicant shall indicate the times of day and duration of their proposed use. The BZA shall have the authority to place restrictions upon their use in order to minimize excessive noise from intruding upon neighboring properties especially those zoned or used for residential purposes. In no event shall the BZA approve the use of such which would be in violation of the City Code or ordinances regulating noise. BZA approval does not constitute a waiver of any City Code or ordinances regulating noise. The applicant attests that the use will comply with this standard.**

No provisions for the external broadcast of speech or music is proposed.

### **Recommended Conditions of Approval:**

If the Board approves this request, Staff recommends the following conditions of approval:

- 1) A site plan shall be submitted to the Planning Department for review and approval prior to the issuance of a building permit.
- 2) The proposed architectural elevations shall be revised to show brick that is consistent with the existing structure.
- 3) A masonry solid waste enclosure shall be constructed for the Dumpster.

The applicant will be in attendance to respond to any questions the Board may have.

### **Attached Exhibits**

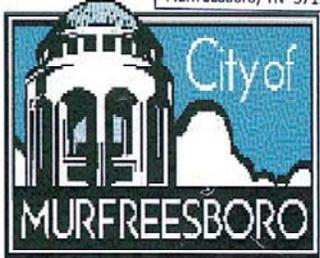
- 1) BZA Application
- 2) Applicant Letter
- 3) Site Photos
- 4) Site Plan Set

# 1. BZA Application

City of Murfreesboro BOARD OF ZONING APPEALS		HEARING REQUEST APPLICATION	
Location/Street Address: 1020 N. Rutherford Blvd			
Tax Map: 090	Group: 018	Parcel: 03	Zoning District: RS-15
Applicant: Trinity Presbyterian		E-Mail: jennifer@thetrinitygroup116.com	
Address: 1020 N. Rutherford Blvd		Phone: (615) 663-3555	
City: Murfreesboro	State: TN	Zip: 37130	
Property Owner: Trinity Presbyterian Church of Murfreesboro			
Address: PO Box 28416		Phone:	
City: Murfreesboro	State: TN	Zip: 37133	
Request: Addition to existing sanctuary & Rework parking lot.			
Zoning District: RS-15-1 <i>April Kasper</i>			
Applicant Signature: <i>Jennifer Hubbard</i>		Date: 2-7-2020 <i>for Trinity Pres.</i>	
Received By: BREND A DAVIS		Receipt #: 530050	
Application #: 20-2-004		Date: 2-10-20	

**Murfreesboro**  
**Board of**  
**Zoning Appeals**

Planning Department  
FEB 10 2020  
111 West Vine Street  
Murfreesboro, TN 37130



T E N N E S S E E  
HEARING APPLICATION  
AND  
GENERAL INFORMATION

## 2. Applicant Letter



# TRINITY

PRESBYTERIAN (PCA) • MURFREESBORO

2-7-2020

Regarding Trinity Presbyterian Church Of Murfreesboro BZA application  
1020 N Rutherford Blvd  
Murfreesboro, TN 37130

To Whom It May Concern:

Trinity Presbyterian Church of Murfreesboro (currently zoned RS-15) proposes to add on to the current Sanctuary space to expand the capacity from 254 seat to 356. It is also the intent to add some additional classrooms at the rear of the sanctuary. The new addition will be approximately 25' x 70' and will follow the existing roof line with a step down at the end. This additional space will require a rework of the traffic flow of the parking lot and is reflected in the site plan. The addition will carry on the aesthetic of the current space and will be appropriately landscaped.

The church plans for the operations and hours to remain status quo including staying with the current format of 1 service per Sunday. The additional seating space will alleviate current and future space needs and will add an additional capacity of 102 people.

Brandon Eggar  
Senior Pastor  
Trinity Presbyterian Church

**Trinity Presbyterian Church**

**BZA Application - Response**

**Standards of General Applicability**

**#1 – 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.**

*Trinity Presbyterian is constructing a 25'x70' addition to the existing sanctuary. We are reconfiguring the parking lot to accommodate the additional greenspace/landscape requirement. Also to ensure for adequate parking and traffic flow. The architectural style will be consistent with the existing as to not impact the character of the surrounding. The main entrance exits onto N. Rutherford Blvd and has an existing turn lane.*

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

*The 25'x70' addition will continue on the north side of building and will have the same roof line and architectural style of the existing to minimize any impact on the surrounding properties. The building structure will not encroach on the existing parking lot and it's exterior wall is approximately 100' off of the side setback line.*

**#3 that the proposed buildings 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:**

*The addition is part of an existing church facility that is currently serviced by municipal water, sewer and electric. There is a hydrant at the front entrance. The church also utilizes a dumpster for waste disposal purposes. Drainage measures are currently in place and storm water calculations by the Civil engineer indicate that they are sufficient for this addition.*

**#4 That the proposed building or use will not result in the destruction, loss or damage of any feature determined by the BZA to be of significant natural, scenic or historic importance; and:**

*To our knowledge no such features exist on this property or in the space affected.*

**#5 That the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use.**

*The building and the proposed addition have been and will continue to operate as a religious assembly space.*

**Institutional Group Assembly Uses:**

**1. Parking :**

*There is no parking requiring backing onto public right-of-way. The property currently has a parking lot for adequate loading and unloading with no parking in the lawn.*

**2. Lot size:**

*The property is zoned RS-15 and consists of 8 +/- acres meeting the minimum lot size requirement.*

**3. On-site lights for parking:**

*Currently there are no plans to alter the existing site lighting previously approved.*

**4. Garbage Dumpster:**

*Currently the dumpster in the rear NE corner of the parking lot in an enclosure and there are no plans to alter the location or structure.*

**5. Outdoor areas:**

*The church currently has a playground located at the rear of the building not visible to other properties. No additional outdoor areas will be constructed with this phase.*

**6. Number of required parking spaces**

*According to Murfreesboro City codes the occupancy requires 50 parking spaces, the church will retain 137 spaces with this proposed addition.*

**7. Special Use Permit –**

*The addition is for additional seating for Sunday morning service. It will not affect any other time frames and infrastructure is adequate to support additional attendance.*

**8. Travel Trailers or RVs –**

*There are no plans to accommodate recreational vehicles of any sort of the property.*

**9.Short-Term Use –**

*There are no requests for Short-Term use.*

**10. External AV or Broadcast systems. –**

*There are no plans for any external AV or broadcast systems.*

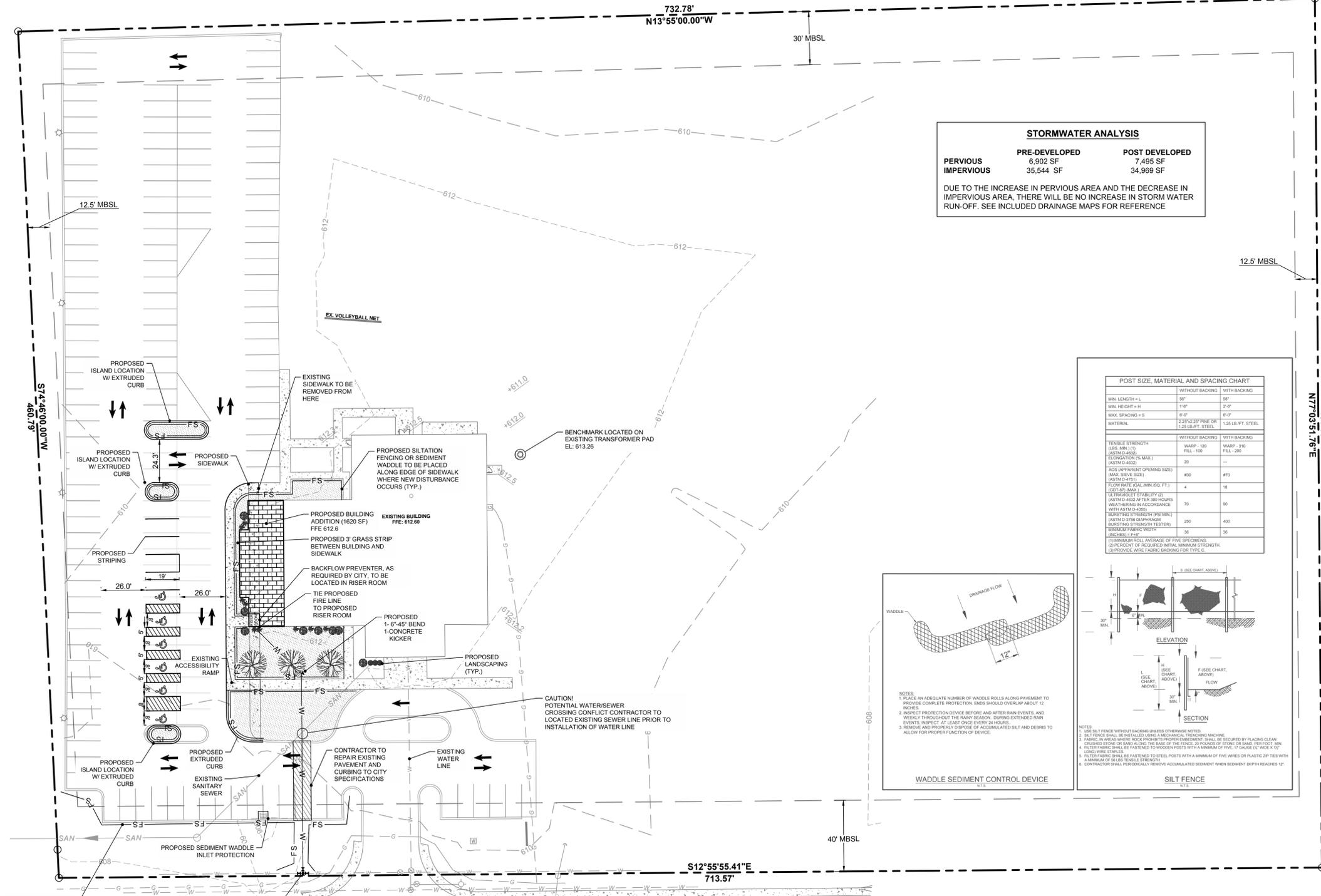
### 3. Site Photos

Front of Building



Project Area





### STORMWATER ANALYSIS

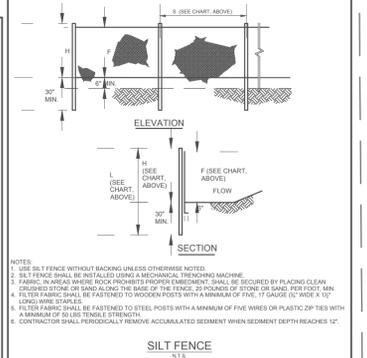
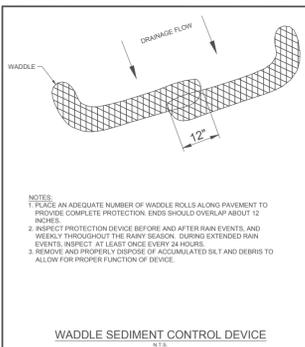
	PRE-DEVELOPED	POST DEVELOPED
PERVIOUS	6,902 SF	7,495 SF
IMPERVIOUS	35,544 SF	34,969 SF

DUE TO THE INCREASE IN PERVIOUS AREA AND THE DECREASE IN IMPERVIOUS AREA, THERE WILL BE NO INCREASE IN STORM WATER RUN-OFF. SEE INCLUDED DRAINAGE MAPS FOR REFERENCE

### POST SIZE, MATERIAL AND SPACING CHART

	WITHOUT BACKING	WITH BACKING
MIN. LENGTH = L	50"	50"
MIN. HEIGHT = H	12"	24"
MAX. SPACING = S	6"	6"
MATERIAL	2 20x2 20" PIPE OR 1.25 LB./FT. STEEL	1.25 LB./FT. STEEL
TENSILE STRENGTH (LBS. MIN. (1)) (ASTM D-4973)	1000	1000
ELONGATION (% MAX.) (ASTM D-4973)	20	20
AGE (APPROXIMATE OPENING SIZE) (ASTM D-4973)	400	470
FLOOR LOAD (MIN. REQ. FT. L) (ASTM D-4973)	4	18
TRAVELER STABILITY (2) (ASTM D-4852 AFTER 300 HOURS WEATHERING IN ACCORDANCE WITH ASTM D-4300)	70	90
TENSILE STRENGTH (TYP. TENSILE) (ASTM D-3786 DIAPHRAGM BUSTING STRENGTH TESTER)	200	400
MINIMUM FABRIC WIDTH (INCHES) x 6"	36	36

(1) MINIMUM ROLL AVERAGE OF FIVE SPECIMENS  
(2) PERCENT OF REQUIRED MINIMUM STRENGTH  
(3) PROVIDE WIRE FABRIC BACKING FOR TYPE C



### SITE DATA

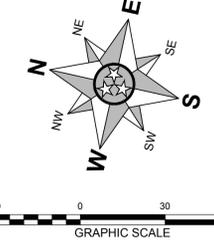
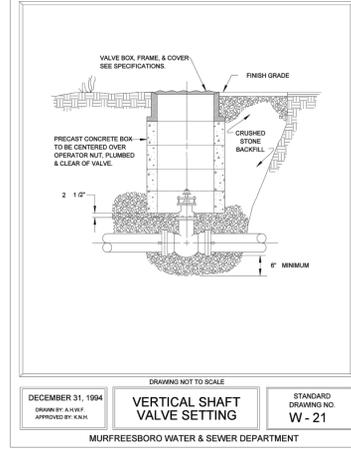
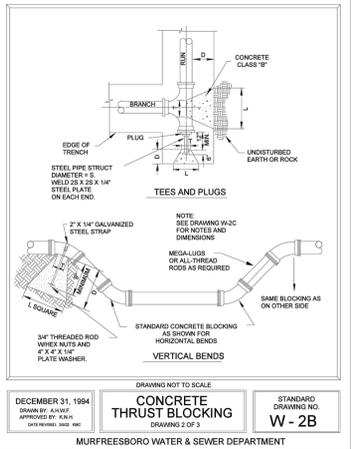
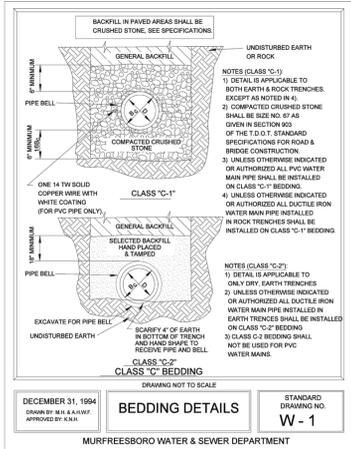
SUBDIVISION DEVELOPMENT:	TRINITY PRESBYTERIAN CHURCH
LOT NUMBER:	MAP 90, PARCEL 18.03
ADDRESS:	1020 N RUTHERFORD BLVD, MURFREESBORO, TN 37130
CITY:	MURFREESBORO
COUNTY:	RUTHERFORD COUNTY
STATE:	TENNESSEE
CIVIL DISTRICT:	21ST
EXISTING ZONING AND AREA DESIGNATION:	RS-14
PROPOSED ZONING AND AREA DESIGNATION:	RS-14
ACREAGE OF SITE:	8.01± AC
SQUARE FOOTAGE OF SITE:	349,035± SF
MINIMUM REQUIRED SETBACK LINES:	Front yard: 40' Side yard: 12.5' Rear yard: 30'
OWNER/APPLICANT:	TRINITY PRESBYTERIAN CHURCH OF MURFREESBORO ADDRESS: P.O. BOX 2848 MURFREESBORO, TN 37133 CONTACT NAME: RICK THURMAN
BUILDING SQUARE FOOTAGE:	SEE ARCHITECTURAL PLANS 11,688 SF EXISTING 1,620 SF PROPOSED 13,318 SF TOTAL
BUILDING HEIGHT:	SEE ARCHITECTURAL PLANS 29' (1 STORY)
MINIMUM PARKING REQUIREMENT:	50 SPACES REQUIRED
PARKING PROVIDED:	137 SURFACE PARKING SPACES (INCLUDES 6 ADA SPACES), OF WHICH 2 ARE VAN ACCESSIBLE

### LEGEND

	PROPERTY LINE
	MINIMUM BUILDING SETBACK LINE (M.B.S.L.)
	BUILDING LINE
	EXISTING EXTRUDED CURB
	PROPOSED EXTRUDED CURB
	EXISTING CONCRETE WALK
	PROPOSED CONCRETE WALK
	LANDSCAPED AREA
	DIRECTIONAL TRAFFIC ARROWS
	PROPOSED WATER LINE
	EXISTING WATER LINE
	EXISTING SEWER LINE
	EXISTING GAS LINE
	EXISTING OVERHEAD ELECTRIC
	EXISTING WATER METER
	EXISTING FIRE HYDRANT
	EXISTING STORM GRATE
	EXISTING TRANSFORMER
	EXISTING POWER POLE AND ANCHOR
	PROPOSED SILT FENCE/WADDLE

### STANDARD CITY OF MURFREESBORO WATER AND SEWER NOTES:

1. COMPLETE SPECIFICATIONS FOR THE WATER LINES, WATER MAINS AND DRAWINGS, MARCH 2014 ED., ARE ON FILE AT THE MURFREESBORO WATER & SEWER DEPARTMENT ENGINEERING ANNEX AND CAN ALSO BE FOUND ONLINE AT [HTTP://WWW.MURFREESBOROTN.GOV/DEFAULT.ASPX?KMENU=42&ID=6123](http://www.murfreesborotn.gov/default.aspx?kmenu=42&id=6123).
2. COMPLETE SPECIFICATIONS FOR THE SEWER LINES, SEWER LINE SPECIFICATIONS AND DRAWINGS, MARCH 2014 ED., ARE ON FILE AT THE MURFREESBORO WATER & SEWER DEPARTMENT ENGINEERING ANNEX AND CAN ALSO BE FOUND ONLINE AT [HTTP://WWW.MURFREESBOROTN.GOV/DEFAULT.ASPX?KMENU=42&ID=6123](http://www.murfreesborotn.gov/default.aspx?kmenu=42&id=6123).
3. COMPLETE SPECIFICATIONS FOR THE REPURIFIED WATER LINES, REPURIFIED WATER SPECIFICATIONS AND DRAWINGS, MARCH 2014 ED., ARE ON FILE AT THE MURFREESBORO WATER & SEWER DEPARTMENT ENGINEERING ANNEX AND CAN ALSO BE FOUND ONLINE AT [HTTP://WWW.MURFREESBOROTN.GOV/DEFAULT.ASPX?KMENU=42&ID=6123](http://www.murfreesborotn.gov/default.aspx?kmenu=42&id=6123).
4. (WATER / SEWER / REPURIFIED WATER) CONSTRUCTION MUST BE IN ACCORDANCE WITH ALL MWSO SPECIFICATIONS AND DRAWINGS.
5. CONCERNING (WATER / REPURIFIED WATER) LINE CONSTRUCTION, RESTRAINTS SUCH AS RODS OR KICKERS SHALL BE INSTALLED AT ANY CHANGE IN DIRECTION WHERE FITTINGS ARE REQUIRED, AT ALL DEAD-ENDS, AND AT ANY LOCATION AS DIRECTED BY THE WATER & SEWER DEPARTMENT.
6. CONTRACTOR MUST HAVE A STATE OF TENNESSEE LICENSE, MUNICIPAL UTILITY (MU) CLASSIFICATION, TO PERFORM WORK.
7. ALL MAIN LINE (WATER / REPURIFIED WATER) TAPS WILL BE MADE BY THE MURFREESBORO WATER & SEWER DEPARTMENT.
8. ADD THE RELEASE & COVENANT NOT TO SUE NOTE TO THE (PLAT / PLAN), UNDER THE CURRENT ADOPTED PLUMBING CODE, THE CITY OF MURFREESBORO REQUIRES THE MINIMUM FLOOR ELEVATION (M.F.E.) TO BE SET AT OR ABOVE THE TOP OF CASTING ELEVATION OF THE NEAREST MANHOLE THAT IS UPSTREAM OF THE SEWER SERVICE CONNECTION. AS AN ALTERNATIVE, THE HOMEOWNER SHALL INSTALL A BACKWATER VALVE PER THE PLUMBING CODE AND EXECUTE AND RECORD A RELEASE OF INDEMNIFICATION AGAINST THE CITY OF MURFREESBORO WITH REGARDS TO THE SANITARY SEWER CONNECTION. THE BUILDER AND/OR HOMEOWNER SHALL BE RESPONSIBLE FOR COMPLIANCE WITH THIS REQUIREMENT.
9. TRENCH CHECK DAMS, AS CALLED OUT IN THE MWSO SPECIFICATIONS, ARE TO BE INSTALLED AT THE DISCRETION OF THE WATER SEWER DEPARTMENT.
10. THE EXISTING SEWER MAINS AND/OR MANHOLES MUST BE (TESTED / TELEVIEWED) BEFORE AND AFTER CONSTRUCTION. SHOULD THE SEWER NOT BE (TESTED / TELEVIEWED) PRIOR TO CONSTRUCTION ANY DEFECTS FOUND AFTER CONSTRUCTION WILL BE THE RESPONSIBILITY OF THE CONTRACTOR TO REPAIR AT HIS OR HER EXPENSE.
11. ALL PROPOSED MANHOLES MUST BE WRAPPED IN A CONEAL, OR AN APPROVED EQUAL, 12" MINIMUM WATER AND SOIL BARRIER WRAP AT EACH MANHOLE SECTION JOINT AND AT ANY OTHER MANHOLE COMPONENT AS DIRECTED BY MWSO.
12. NO MORE THAN 25 PERCENT OF THE DOLLAR AMOUNT OF THE CONTRACT MAY BE AWARDED TO SUBCONTRACTORS.
13. A MAXIMUM OF 2 - 6" (6 IN.) ADJUSTMENT RINGS WILL BE ALLOWED PER ANY EXISTING OR PROPOSED MANHOLES ASSOCIATED WITH THIS INSTALLATION. IF ANY MANHOLE REQUIRES ADJUSTMENT BEYOND THE 2 - 6" ADJUSTMENT RINGS ALLOWED THEN THE CONTRACTOR MUST REMOVE, ADJUST, OR ADD BARREL SECTIONS TO THE MANHOLE TO GET IT TO GRADE AT HIS OWN EXPENSE. REHABILITATED SANITARY SEWER LATERALS AND MAINS, EXISTING SANITARY SEWER MAINS THAT INTERSECT UNDER OR OVER A NEWLY CONSTRUCTED OR REMOVED UTILITY, OR ANY SEWER MAIN THAT HAS BEEN PHYSICALLY ALTERED IN ANY WAY MUST BE FULLY TELEVIEWED VIA AN IN-LINE CLOSED CIRCUIT TELEVISION (CCTV) POST CONSTRUCTION SURVEY FULLY COMPLIANT WITH THE GUIDELINES SET FORTH BY THE NORTH AMERICAN SANITARY SEWER COMPANY'S (NASSCO) PIPELINE ASSESSMENT CERTIFICATION PROGRAM (PACP) AT THE EXPENSE OF THE CONTRACTOR.



**NOTE**  
THE SURVEY IS A TOPOGRAPHIC SURVEY FOR INFORMATION ONLY AND IS NOT A GENERAL PROPERTY SURVEY AS DEFINED UNDER RULE 0820-3-07 PREPARED BY HUDDLESTON STEELE, DATE AUGUST 2015

REVISION #	DATE	DESCRIPTION



**SITE PLANS FOR:**  
**TRINITY PRESBYTERIAN CHURCH**  
1020 NORTH RUTHERFORD BLVD  
21ST CIVIL DISTRICT  
RUTHERFORD COUNTY, TENNESSEE



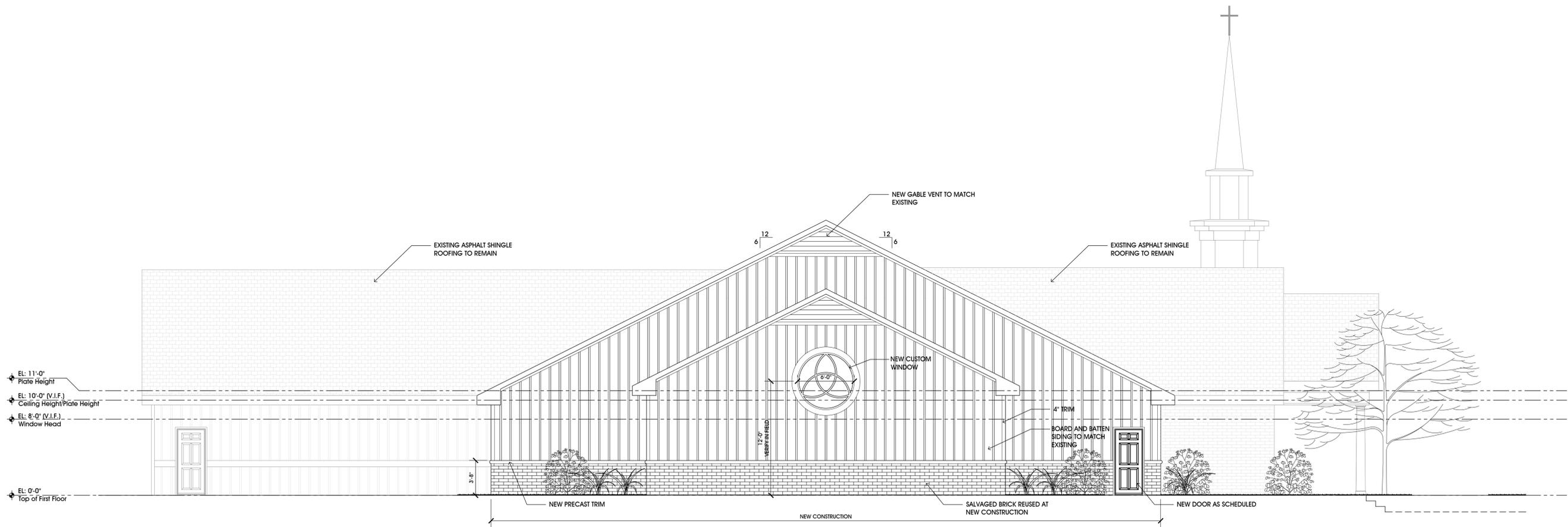
**SITE LAYOUT AND UTILITY SHEET**

DATE: DECEMBER, 2019  
DRAWN BY: M.MERRILL  
CHECKED BY: M.BRYANT

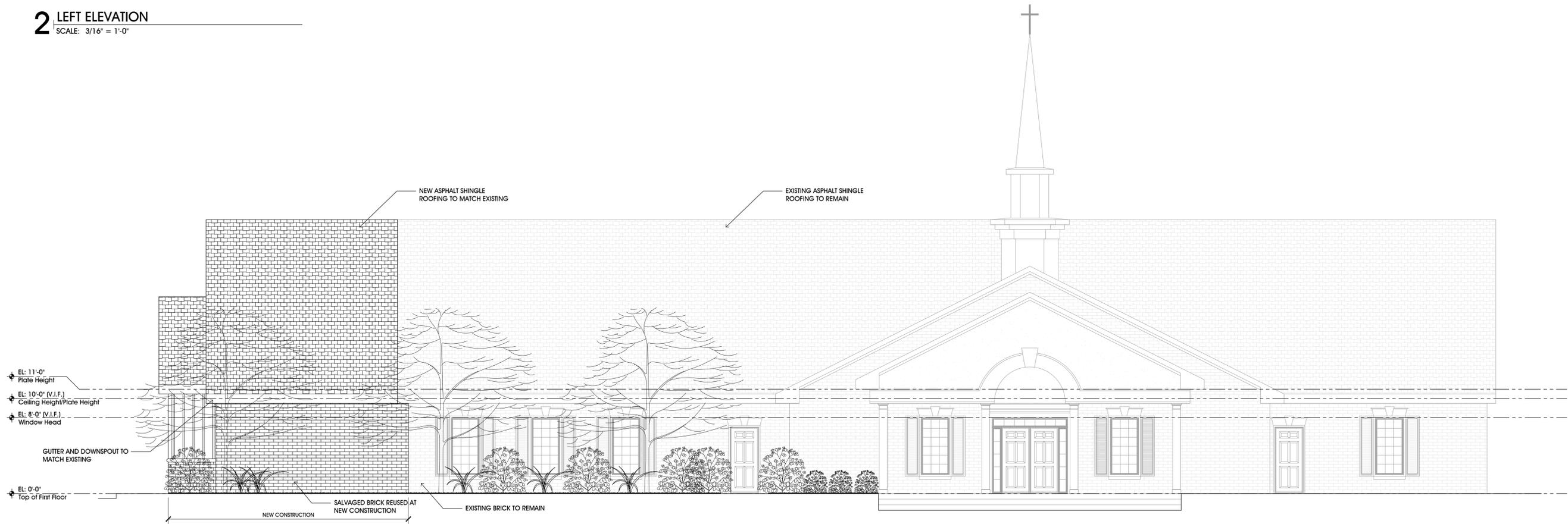
PROJECT NO. :  
SHEET NUMBER:  
**C1.0**

**811**  
Know what's below.  
Call before you dig.

TPC-C1.0\_LAYOUT AND UTILITY PLANNING\_Thursday, January 23, 2020 10:52:15 AM



**2** LEFT ELEVATION  
SCALE: 3/16" = 1'-0"



**1** FRONT ELEVATION  
SCALE: 3/16" = 1'-0"

REVISIONS:

SHEETS BEARING THIS SEAL ARE AUTHENTICATED. RESPONSIBILITY FOR ALL OTHER PLANS, SPECIFICATIONS OR INSTRUMENTS ARE DISCLAIMED.

THE TRINITY GROUP LLC  
231 VETERANS PKWY.  
SUITE C  
MURFREESBORO, TN, 37128  
TRINITY T: 615-663-3555  
S T O U P F: 888-418-3441  
**ELEVATIONS**

PROJECT:  
**TRINITY PRESBYTERIAN CHURCH  
SANCTUARY RENOVATION**  
1020 N RUTHERFORD BLVD.  
MURFREESBORO, TN 37130

DRAWN:  
CHECKED:  
DATE: 12/06/2019  
JOB NO.:  
SHEET:

**A2.1**

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REVISIONS:

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THE TRINITY GROUP LLC  
 231 VETERANS PKWY.  
 SUITE C  
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 TRINITY T: 615-663-3555  
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**ELEVATIONS**

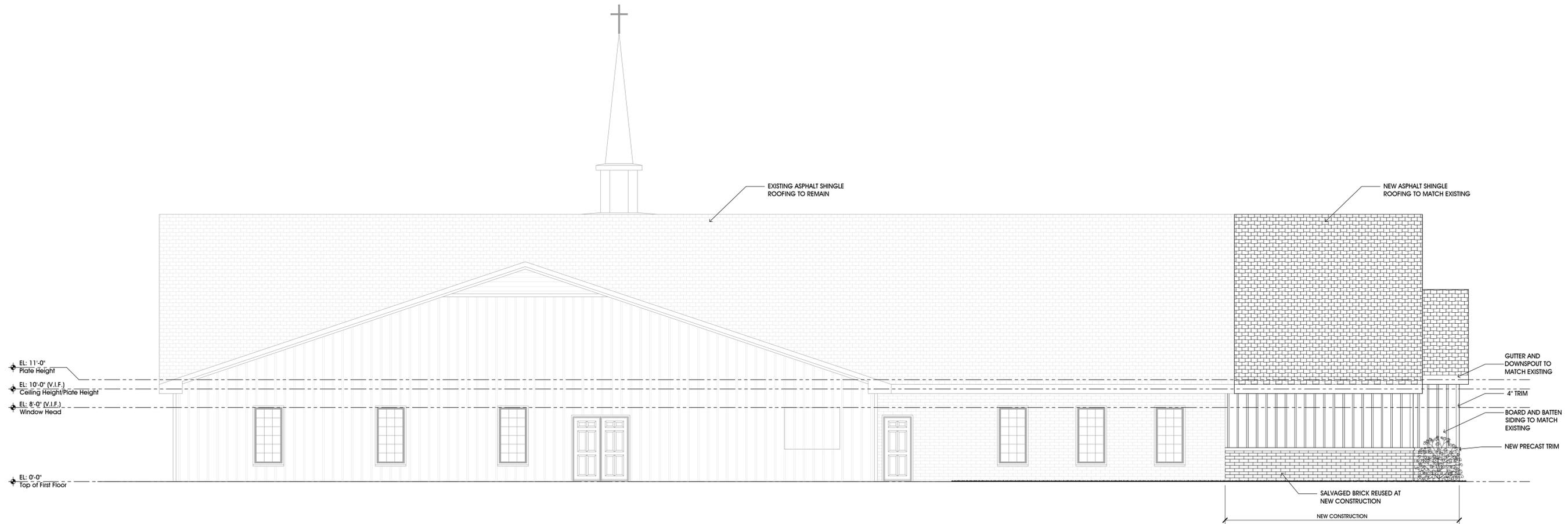
PROJECT:  
**TRINITY PRESBYTERIAN CHURCH  
 SANCTUARY RENOVATION**

1020 N RUTHERFORD BLVD.  
 MURFREESBORO, TN 37130

DRAWN:  
 CHECKED:  
 DATE: 12/06/2019  
 JOB NO.:  
 SHEET:

**A2.2**

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El: 11'-0"  
 Plate Height

El: 10'-0" (V.I.F.)  
 Ceiling Height/Plate Height

El: 8'-0" (V.I.F.)  
 Window Head

El: 0'-0"  
 Top of First Floor

**1 REAR ELEVATION**  
 SCALE: 3/16" = 1'-0"

**MURFREESBORO BOARD OF ZONING APPEALS**

**STAFF REPORT**

**February 26, 2020**

**Application:** Z-20-003

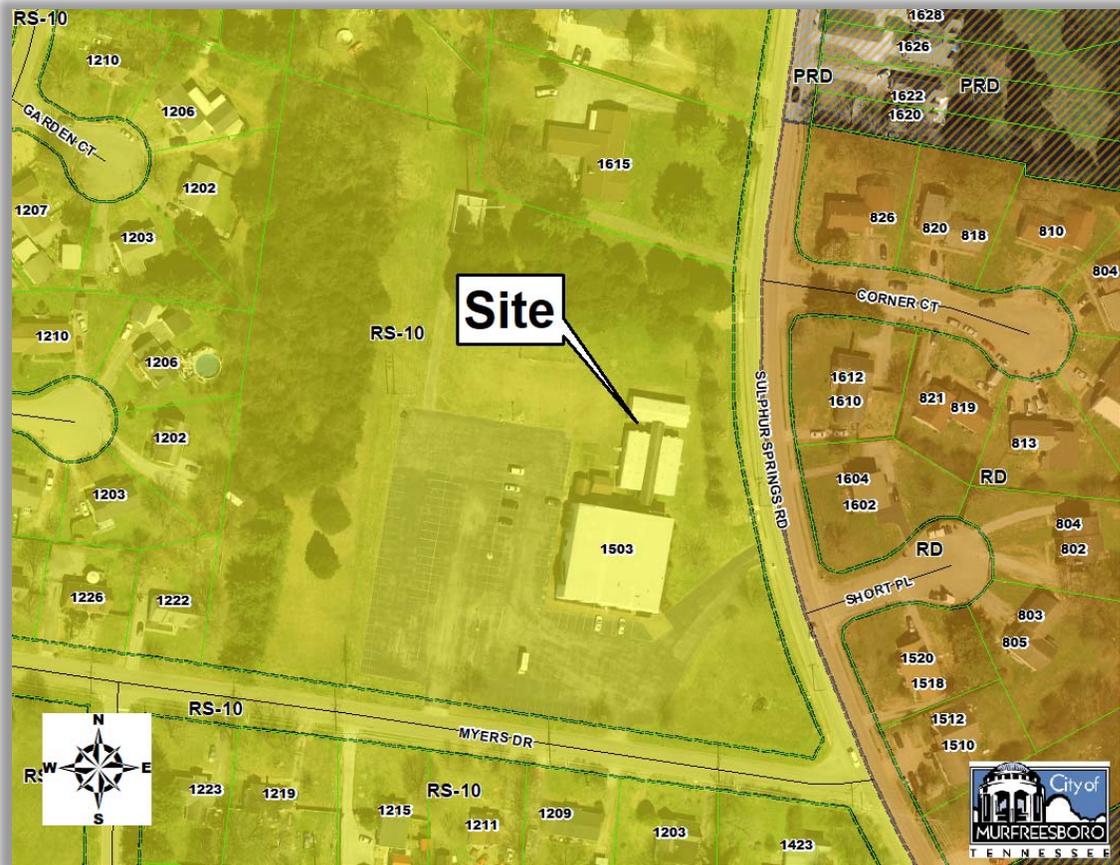
**Location:** 1503 Sulphur Springs Road

**Applicant:** Mr. Neil James, for Redeemer Classical Academy

**Owner:** Bethel Outreach Church Inc.

**Zoning:** RS-10

**Request:** To amend special use permits that were approved by the Board of Zoning Appeals in July 2013, January 2014, and January 2015, which established an institutional group assembly use (a private school). The approval of the January 2015 special use permit amendment was conditioned upon the requirement that all portable classroom buildings must be removed from the property no later than July 31, 2020. The applicant is requesting an amendment to the special use permits for a two-year extension to this deadline in order to allow the portable classroom buildings to remain on-site until July 31, 2022.



## **Overview of Request**

Neil James with Redeemer Classical Academy wishes to extend the use of the portable classrooms at their current location at 1503 Sulphur Springs Road for another two years as the school looks to proceed with acquiring a property and building a permanent site. This application first came before the BZA in July of 2013, at which time the BZA allowed the portable classrooms to be in place until July 31, 2015. The applicant was approved by the BZA in January of 2014 to add one additional portable and was then approved by the BZA in January of 2015 for a 5-year extension of their special-use permit to allow them to have the portable classrooms at this location until July 31, 2020.

Redeemer Classical Academy has recently acquired 20 acres of land on Old Salem Road that they are planning as their future school site. They are asking for a 2-year extension, so that they have time to raise the necessary funds and to build the school on the site. Mr. James proposes no additional changes to the special use permit and would be willing to adhere to the same conditions of approval as the 2015 BZA approval and any other conditions the board would see fit.

## **Relevant Zoning Ordinance Sections**

Chart 1 of the City of Murfreesboro Zoning Ordinance allows schools, public or private, as a special use in the RS-10 district. City of Murfreesboro Zoning Ordinance Section 9(D)(2)(zz) sets forth standards for institutional group assembly uses, including public or private schools, in addition to the Standards of General Applicability Section 9(C). The applicant has affirmed in his special use permit application letter that the proposed use will be constructed in compliance with all zoning requirements.

After reviewing the criteria for the special use requirements for public group assembly uses, this project appears to meet the criteria.

## **Standards of General Applicability with Staff analysis**

- 1. 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, and utility facilitates, and other matters affecting the public health, safety and general welfare.**

The existing site will not be altered in any way with this application. The applicant is aware of and will comply with the original condition of approval that the maximum number of students is 65 and that a separate special use permit amendment, accompanied by a traffic study, is required if that threshold is exceeded.

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

There are no proposed changes to the site with this proposed amendment.

- 3. That the proposed buildings 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 persons or agencies responsible would provide such services.**

There are no proposed changes to the buildings or infrastructure with this proposed amendment.

- 4. That the proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be significant natural, scenic, or historic importance.**

Neither Staff nor the applicant are aware of any such features associated with this property.

- 5. That the proposed building/use complies with all additional standards imposed on it by the particular provision of this section authorizing use.**

The request will comply with the additional standards for institutional group assembly uses. (See below for additional detail.)

**Additional Standards for Self-Service Storage Facilities with Staff Analysis**

- 1. Parking areas shall be designed and arranged so that backing from the site onto a public right-of-way will not be necessary and adequate space will be available for vehicles to turn around on-site. An on-site off-street area shall be provided for vehicles to load and unload passengers. Parking areas shall not be permitted in the required front yard;**

No additional parking is being proposed to be constructed in conjunction with the proposed amendment.

- 2. In all residential districts an institutional group assembly use shall have a lot size not less than three times the minimum lot size permitted in the zoning district where the institutional group assembly use is proposed to be located. In the event the institutional group assembly use is proposed to be located on land that has two or more different zoning classifications, the minimum lot size shall be calculated by applying the larger required minimum lot size;**

The existing site complies with this standard.

- 3. On-site lighting for parking areas, fields for athletics, scoreboards, and grounds shall be arranged in such a manner as to minimize intrusion of lighting into areas zoned or used for residential or medical purposes. To this end, a plan depicting the proposed location of on-site exterior lighting fixtures shall be submitted for review by staff and the BZA. Such plan shall depict the arrangement of the lighting fixtures, their height, their**

**specifications, and the direction in which lighting will be oriented. Additional information may be required by the staff or the BZA in order to verify whether the lighting will be intrusive into areas zoned or used for residential or medical purposes;**

There are no additional lighting fixtures proposed with this application.

- 4. Applications for an institutional group assembly use shall indicate the proposed locations of garbage dumpsters or receptacles. These facilities shall be located in such a manner as to minimize adverse effects upon neighboring properties and aesthetics from the public right-of-way. The use of dumpsters may be prohibited in the event the BZA determines that such would have a detrimental effect upon the adjacent property;**

There are no additional garbage receptacles proposed with this application.

- 5. Areas for outdoor recreational use or outdoor group activities shall be screened or fenced in such a manner as to provide an effective buffer for adjacent uses. Screening shall be required pursuant to Section 27 of this article or as required by the BZA;**

There are no new recreational facilities associated with the school proposed with this application. Staff is not aware of any negative impacts on adjacent properties that would need to be mitigated with additional screening.

- 6. The number of required parking spaces provided on-site shall be in accordance with Chart 4 of this article provided, however, if the applicant can present evidence satisfactory to the BZA that a substantial portion of the expected users will arrive at the institutional group assembly use by bus, bicycle, walking, or by carpooling or that off-street parking areas on adjacent or nearby properties will be available on a long term basis, the BZA shall have authority to determine the number of required parking spaces to be provided on-site. The BZA may require that a reserve area be retained on-site for future expansions of the parking area;**

The number of students at the school is not proposed to be increased above the limit of 65 previously set by the BZA. Therefore, no new parking is required or proposed.

- 7. An application for a special use permit for an institutional group assembly use shall be accompanied by a description of uses or activities proposed for the facility which may be subject to separate regulation or which may result in unusual traffic patterns, traffic volumes, or other detrimental impacts upon adjacent properties, including but not necessarily limited to those uses which would require a special permit if not a part of the institutional group assembly use;**

No changes in the use of the property are being proposed. The applicant is aware of the existing condition of approval that a separate special use permit amendment, accompanied by a traffic study, will be required if the number of students exceeds 65.

- 8. the BZA shall have authority to approve an on-site location with water, sewer, and electric utility connections for accommodations for travel trailers or R.V.s (recreational vehicles) for use by visiting or traveling speakers or guests associated with the institutional group assembly use. Provided, however, such location for travel trailers or R.V.s shall not be permitted for use as a permanent residential dwelling unit;**

No such provisions are being requested with this application.

- 9. the BZA shall have the authority to grant variances to the standards imposed by this subsection for temporary or short term uses of property for the institutional group assembly use purposes. In such cases, the BZA may impose conditions of approval to assure the compatibility of the short-term land use with other property in the vicinity of the proposed use; and**

No new short-term land uses are proposed with this application.

- 10. the application for a special use permit for an institutional group assembly use shall indicate any intentions for the use of systems for the external broadcast of speech, music, or other sounds. If such are proposed, the applicant shall indicate the times of day and duration of their proposed use. The BZA shall have the authority to place restrictions upon their use in order to minimize excessive noise from intruding upon neighboring properties especially those zoned or used for residential purposes. In no event shall the BZA approve the use of such which would be in violation of the City Code or ordinances regulating noise. BZA approval does not constitute a waiver of any City Code or ordinances regulating noise.**

No provisions for the external broadcast of speech or music is proposed.

**Recommended Conditions of Approval:**

If the Board approves this request, Staff recommends the following conditions of approval, which mirror the previous conditions of approval:

- 1) All portable classroom buildings must be removed from the property no later than July 31, 2022 or when Redeemer Classical Academy vacates the property -- whichever comes first.
- 2) The maximum number of students allowed to be enrolled at the school is 65. If the school desires to have a greater number of students, then it must apply to the BZA to amend the special use permit. A traffic study will be required at that time.
- 3) No staging or queuing of school traffic will be allowed on either Myers Drive or Sulphur Springs Road.

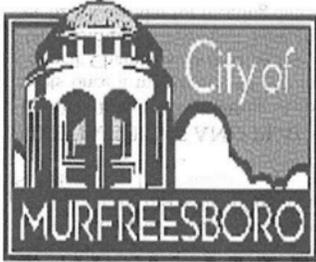
The applicant will be in attendance to respond to any questions the Board may have.

**Attached Exhibits**

- 1) BZA Application
- 2) Applicant Letter
- 3) Site Photos

1. BZA Application

City of Murfreesboro <b>BOARD OF ZONING APPEALS</b>		<b>HEARING REQUEST APPLICATION</b>	
Location/Street Address: <i>1503 Sulpher Springs Rd</i>			
Tax Map:	Group:	Parcel:	Zoning District:
Applicant: <i>Redeemer Classical Academy</i>		E-Mail:	
Address: <i>1503 Sulpher Springs Rd</i>		Phone: <i>615-904-0350</i>	
City: <i>Murfreesboro</i>	State: <i>TN</i>	Zip: <i>37129</i>	
Property Owner: <i>Bethel Outreach Church INC</i>			
Address: <i>5670 Granny White Pike</i>		Phone: <i>615-371-1000</i>	
City: <i>Brentwood</i>	State: <i>TN</i>	Zip: <i>37027</i>	
Request: <i>Two year extension at our current location while we build on our new property</i>			
Zoning District:			
Applicant Signature: <i>[Signature]</i>		Date: <i>1-27-20</i>	
Received By: <i>BREUXA DAVIS</i>		Receipt #: <i>530049</i>	
Application #: <i>Z-20-003</i>		Date: <i>2-10-20</i>	

<b>Murfreesboro Board of Zoning Appeals</b>	
	
<b>T E N N E S S E E</b>	
<b>HEARING APPLICATION AND GENERAL INFORMATION</b>	

## 2. Applicant Letter



February 6, 2020

Members of the Board of Zoning Appeals City Hall Building  
111 West Vine Street  
Murfreesboro, TN 37130

Re: Request for Amendment to ~~the~~ Special Use Permits concerning the property  
located at ~~1503~~ Sulphur Springs Road, Murfreesboro, TN 37129.

BZA Members,

Redeemer Classical Academy (RCA) requests the Board of Zoning Appeals allow us to extend the expiration dates of these Special Use Permits from July 31, 2020 to July 31, 2022.

As we understand from speaking with the Planning Department, this extension would be accomplished with an amendment to the current Special Use Permits. We are requesting a two-year extension in order to provide RCA the time necessary to construct a building on our recently acquired 20 acres located on Old Salem Road.

RCA would like to stress that the day-to-day operations of the school will remain identical to the existing operation and the location will remain suitable for RCA during this extension period. As such, we will continue to comply with the Standards set forth by the Planning Commission for our institution to include:

- No increased impact on the neighborhood, the traffic or the infrastructure is foreseen at this time.
- No changes or additions to the buildings currently occupied.
- No changes in parking, environmental, exterior features or neighborhood interactions.
- No changes to utilities.
- No changes to any of the standards of which we have been approved for.

Likewise, Redeemer has retained the services of Binkley Garcia as its architect and Redeemer is currently raising funds to begin construction on the new school building.

RCA understands the original Special Use Permits were conditioned such that at any time RCA's student population should grow beyond 65 students, a new traffic study would be required to be submitted to the city planning department. At this time, RCA's student population is well below this threshold and is expected to remain below the 65 student threshold largely in part to space constraints within the modular classrooms themselves.

We both thank you for the BZA's time and careful consideration in this matter. It means a great deal to Redeemer and we appreciate all the support the City has provided.

Neil James  
Chairman of the Board  
Redeemer Classical Academy

### 3. Site Photos

#### AERIAL PHOTOGRAPH OF THE REDEEMER CLASSICAL ACADEMY SITE



**PHOTOGRAPH LOOKING FROM THE EAST PROPERTY LINE ON SULPHUR SPRINGS ROAD INTO THE PROPERTY**

