

CITY OF MURFREESBORO PLANNING COMMISSION AGENDA

City Hall, 111 W. Vine Street, Council Chambers

In accordance with Executive Order No. 16 issued by Governor Bill Lee, the Murfreesboro Planning Commission May 6, 2020 meeting will be conducted electronically and there will not be physical public access to the meeting as necessary to protect public health, safety and welfare in light of the coronavirus. The public may view the meetings electronically through Murfreesboro CityTV which is broadcast on Comcast Xfinity Channels 3 and 1094 and on AT&T U-verse Channel 99. The meeting can also be streamed on Roku, YouTube (www.youtube.com/cityofmurfreesboro), Facebook (www.facebook.com/cityofmurfreesborotn), and the City's website (and www.murfreesborotn.gov).

**MAY 6, 2020
6:00 PM**

**Kathy Jones
Chair**

- 1. Call to order:**
- 2. Determination of quorum and determination that meeting electronically is necessary to protect the health, safety, and welfare of Tennesseans and Murfreesboro citizens in light of the COVID-19 outbreak.**
- 3. Approve minutes of the April 22, 2020 Planning Commission meeting:**
- 4. Public Hearings:**
 - a. Zoning application [2020-404] to amend the Westlawn PUD to allow "hospital" as a permitted use within the area identified as C-4 within the program book on approximately 10.5 acres located along Veterans Parkway, Saint Thomas Rutherford applicant. (project planner Margaret Ann Green)
 - b. Zoning Ordinance amendment [2020-803] for *Section 26. Off-Street Parking, Queuing, and Loading* as regards **off-site parking agreements, joint parking agreements, and other miscellaneous items**, City of Murfreesboro Planning Department applicant.

MURFREESBORO PLANNING COMMISSION AGENDA

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5. Mandatory Referrals:

- a. Mandatory Referral [2020-709] for installation of irrigation lines in public right-of-way in the Legacy Pointe development, Mr. Matt Taylor (on behalf of Rutherford County Area Habitat for Humanity) applicant.
- b. Mandatory Referral [2020-708] to consider the dedication of a CUD water line easement and a temporary construction easement on City-owned property located along the south side Burnt Knob Road, Mr. Matt Taylor (on behalf of North Boulevard Church of Christ) applicant. (Project Planner: Marina Rush)
- c. Mandatory Referral [2020-710] to consider the abandonment of an existing MWRD sanitary sewer easement located within the Westlawn subdivision along Veterans Parkway, Mr. Christopher Mabery (on behalf of MAB Murfreesboro LLC) applicant. (Project Planner: Margaret Ann Green)

6. Staff Reports and Other Business:

7. Adjourn.

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS
MAY 6, 2020**

Principal Planner: Margaret Ann Green

- 4.a. Zoning application [2020-404] to amend the Westlawn PUD to allow “hospital” as a permitted use within the area identified as C-4 within the program book on approximately 10.5 acres located along Veterans Parkway, Southeast Ministries applicant.**

The subject property is located along Veterans Parkway and Shores Road and is a part of the Westlawn PUD (Planned Unit District). Westlawn is approximately 206.8 acres in total and the area being considered for an amendment is 19.6 acres.

Adjacent Zoning and Land Uses

The majority of the contiguous properties are a part of the Westlawn development and zoned PUD. Although the property to the north is currently undeveloped, the Planning Commission has approved site plans and subdivision plats for the development of a grocery store and various commercial outparcels. Developing single-family, residential uses are also to the north and west. The properties to the south are in the unincorporated area of Rutherford County and are developed with large-lot, single-family residences. Because of the adjacent residential zoning, a 40-foot landscape buffer and berm are required along the southern lots lines. The conceptual layout on page 42 of the attached pattern book shows the required buffer.

Request for PUD zoning amendment

In 2018, the City Council approved an amendment to the Westlawn PUD to identify this area as “C-4” and “C-5” in order to change the uses permitted within these areas. Saint Thomas Rutherford has a contractual interest for property in this area and wishes to obtain an entitlement to develop hospital as a permitted use. Hospital is already a permitted use within C-5 therefore the request is to include it as a permitted use within the C-4 as well. Hospital is defined as follows:

Hospital: An institution providing health services and medical or surgical care, primarily for temporary in-patients, to persons suffering from illness, disease, injury, deformity, or other abnormal physical or mental condition, and including as an integral part of the institution related facilities such as laboratories, outpatient facilities or training facilities. Hospital does not include institutions for the permanent care of or occupation by the poor, infirm, incurable, or insane.

Page 16 of the Westlawn program book lists the proposed changes. Pages 40 and 41 further define area C-4 and pages 42 and 43 further define area C-5. The maximum height permitted within these areas is remaining unchanged.

Area C-4 [adds hospital as a permitted use]

Area C-4 is 10.5 acres, is located along Veterans Parkway and allows commercial and institutional uses. Any development proposed within this area will meet the GDO design standards. The following is a list of permitted uses, including proposed hospital:

- | | | |
|--|----------------------------------|--|
| 1. Adult Daycare Home | 16. Dry Cleaning pick-up Station | 35. Offices |
| 2. Antiques shop <3,000 s.f. | 17. Financial Service | 36. Personal Services Establishment |
| 3. Assisted Living | 18. Flower or Plant Store | 37. Pet Shops |
| 4. Bakery, Retail | 19. Funeral Home | 38. Pharmaceuticals |
| 5. Bank, Branch Office | 20. Gas Station | 39. Pharmacies |
| 6. Barber or Beauty Shop | 21. Grocery | 40. Philanthropic Institution |
| 7. Book or Card Shop | 22. Health Club | 41. Photo Finishing |
| 8. Business School | 23. Home Improvement Center | 42. Post Office or Postal Facility |
| 9. Business and Communication Service | 24. Hospital | 43. Restaurant and Carry-Out Restaurant (Alcohol Served on Premises) |
| 10. Clothing Store | 25. Hotel | 44. Retail Shop, Other than enumerated Elsewhere |
| 11. Convenience Sales and Service, Max 5,000 S. F Floor Area | 26. Ice Cream Shop | 45. Sporting Goods |
| 12. Crafts Store | 27. Interior Decorator | 46. Telephone Service Center |
| 13. Daycare Center | 28. Jewelry | 47. Veterinarian's office |
| 14. Department or Discount Store | 29. Karate, Instruction | |
| 15. Doughnut Shop | 30. Laboratories, Medical | |
| | 31. Medical Offices | |
| | 32. Medical Related Professions | |
| | 33. Nursery School | |
| | 34. Office/Art Supplies | |

Area C-5 [remains unchanged]

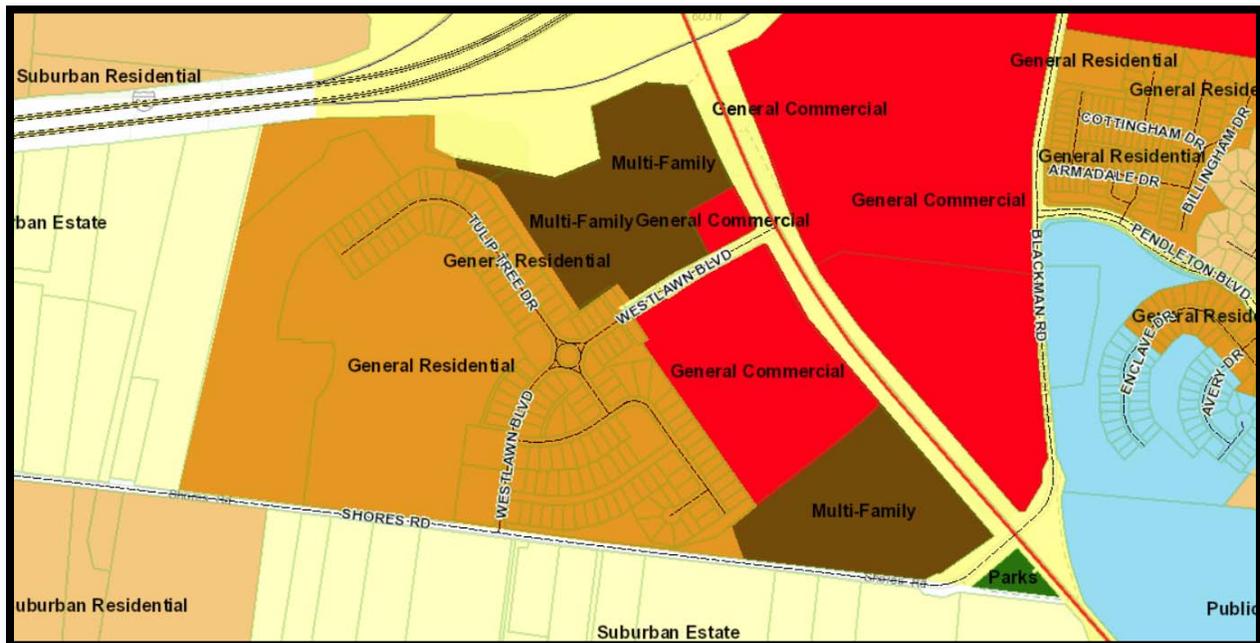
Area C-5 is 6.3 acres, is located along Shores Road and allows commercial, institutional uses and residential uses. Any development proposed within this area will meet the GDO design standards. The following uses are permitted:

- | | |
|--|---|
| 1. Age Restricted Residential (At least 80% of the occupied units include at least one resident who is verified to be over the age of 55+, and the community follows a policy that demonstrates an intent to provide housing for those aged 55 or older) | 5. Independent Living (provide residences with access to dining, medical care, entertainment, and other assistance as needed while still providing an independent living environment) |
| 2. Assisted Living | 6. Medical Offices |
| 3. Hospital | 7. Offices |
| 4. Hotel | 8. Townhomes |
| | 9. Multi-family stacked Flats |
| | 10. Single-family attached or detached |

Future Land Use Map

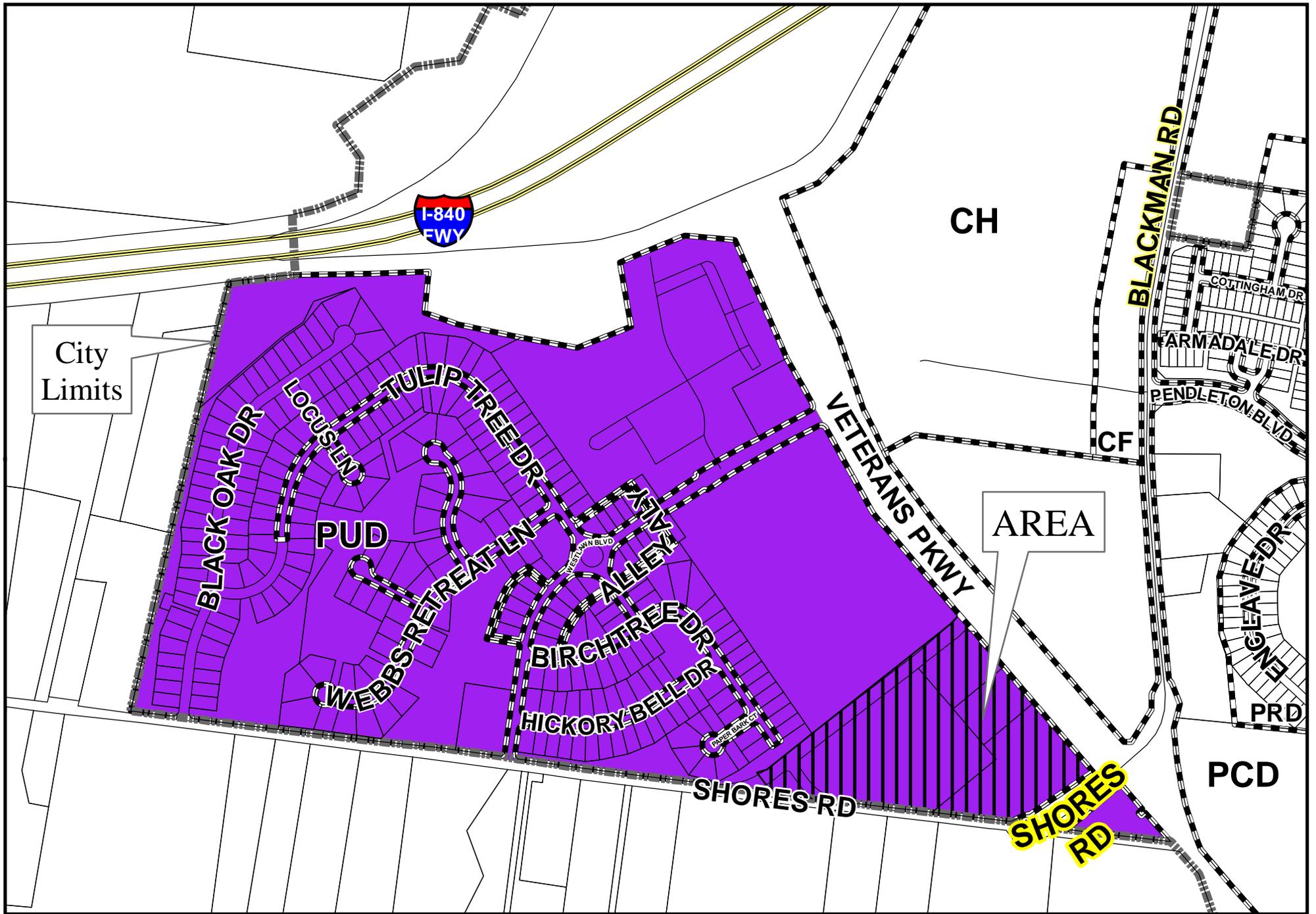
The *Murfreesboro 2035* Land Use Plan indicates that Multi-family is the most appropriate land uses for the subject property. The residential uses are consistent with the Land Use Plans' recommendations. The commercial uses are not consistent with the Land Use Plan's recommendations, however the Planning Commission and City Council have previously recommended this land use change to permit institution and commercial uses. The applicant should discuss how this rezoning request ultimately supports the goals of *Murfreesboro 2035*.

Murfreesboro 2035 – Future Land Use Map



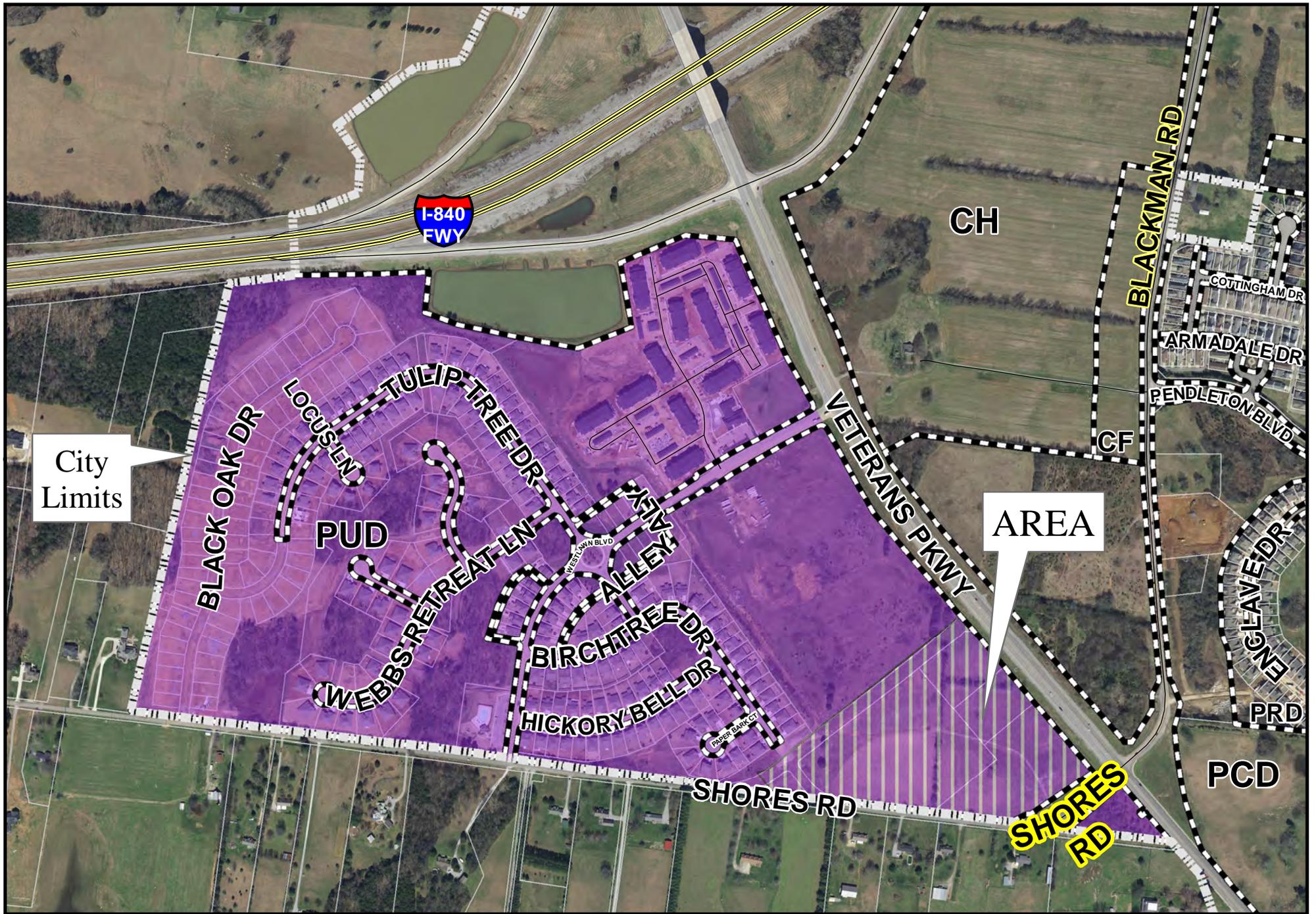
Public Hearing

The applicant will be available at the Planning Commission meeting to discuss the proposed rezoning. The Planning Commission should conduct a public hearing, discuss the matter, and formulate a recommendation to the City Council.



**PUD Amendment Along Shores Road
Westlawn PUD**





**PUD Amendment Along Shores Road
Westlawn PUD**





WESTLAND

Revised Document
Submitted March 12, 2020 to be heard at the
April 15, 2020 Planning Commission Meeting

Prior Approval Dates
February 22, 2007
Resubmitted: March 22 2010
Revised For City Council Public Hearing: May 13, 2010
Revised For City Council Public Hearing: July 26, 2018



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INTRODUCTION

On behalf of Southeast Ministries, the purpose of this submittal is to request an amendment to the Westlawn PUD relative to area C-4 of the previously approved master plan. The original PUD was approved on February 22, 2007 and revised May 13, 2010 and July 26, 2018.

This request is to revise section C-4 to add hospital as a permitted use. "Hospital" is a permitted use in adjacent area C-5 and would add consistency between the two sections. It should be noted that Parks-Harney Investments will still control a portion of the C-4 section.

Planning Objective

Westlawn is a community that is planned to provide a life style environment that embraces the planned objectives of the Blackman Land Use Study, preserves the natural assets of the property and embraces development standards that will be representative of this gateway into Murfreesboro. Proposed as a Planned Development, Westlawn will be dictated by restrictive covenants that will define the character of the community. The developments, commercial and multi-family components, are proposed to be developed under the Gateway Design Overlay design standards and review process to insure that the property meets the City's expectations relative to quality.

Planned as a mixed-use community, Westlawn provides a variety of land uses that are organized and designed to be reflective of a Planned Community. Architecture, signage, landscape, streetscape and other design elements will be designed and coordinated to reflect a cohesive character throughout the development. This is reinforced by providing connectivity for both pedestrian and vehicular modes of transportation to tie the community together.

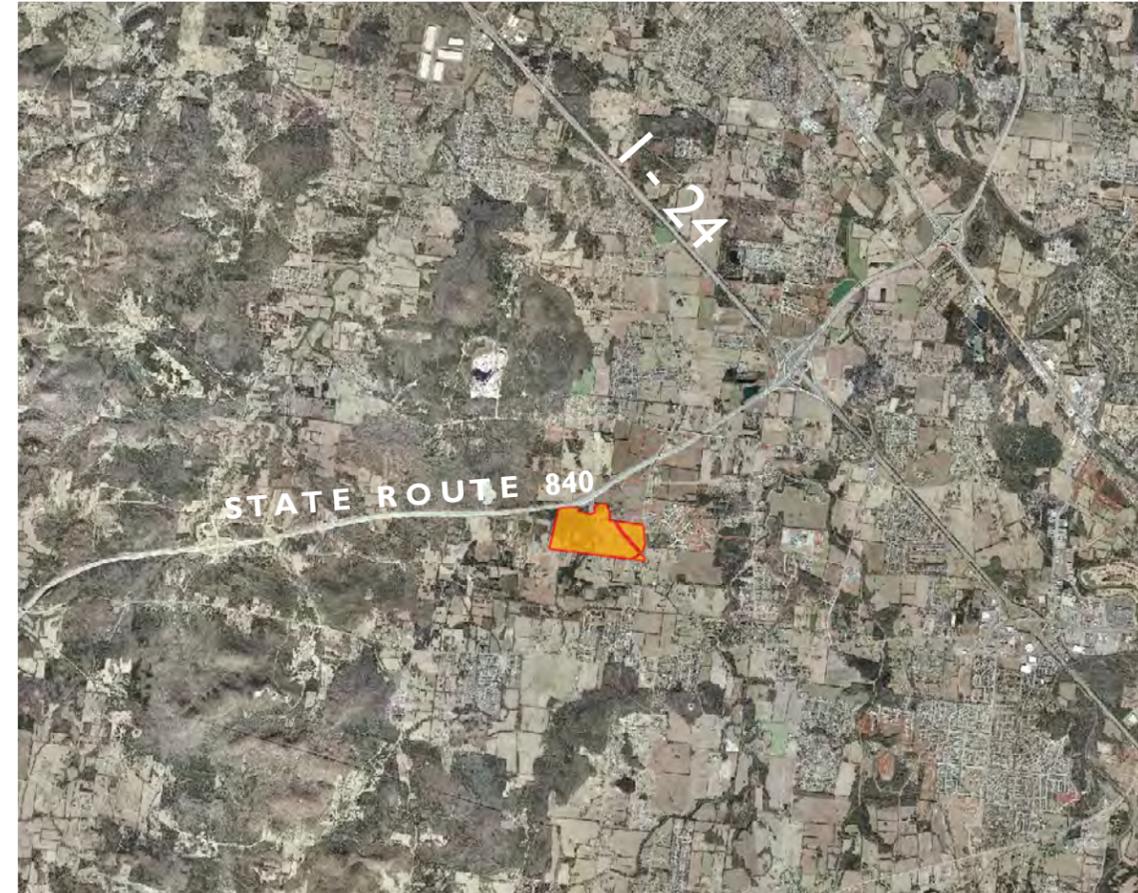
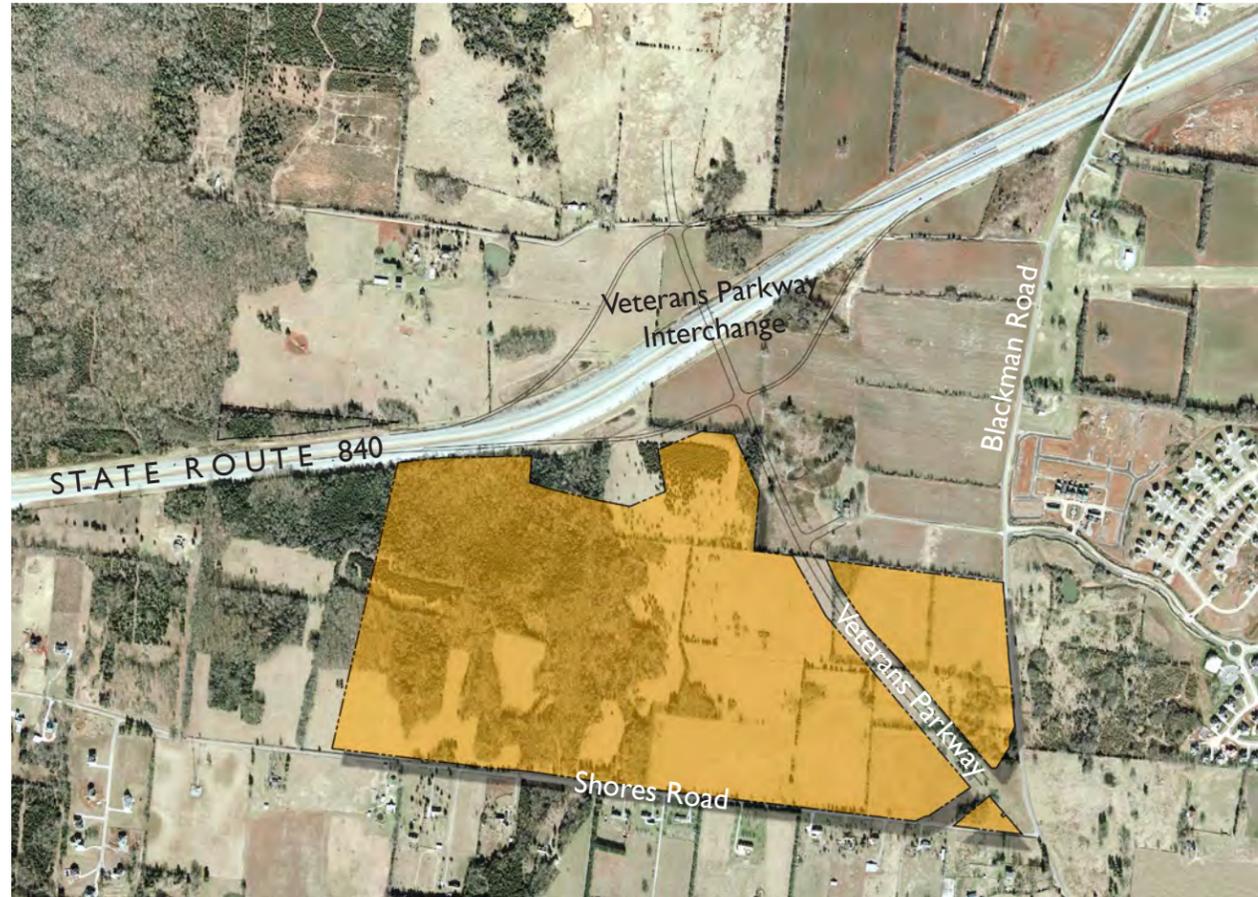
The residential communities within Westlawn provide a variety of housing options that create unique communities within the development. Larger lots are located within the more environmentally sensitive portions of the property to insure their protection. Higher density products are located adjacent to the commercial components to provide a logical land use transition.

Located at the interchange of Veterans Parkway and SR 840, the commercial components are designed to take advantage of the vehicular access created by the new interchange. Incorporating the commercial uses within the Westlawn Community provides the residents with shopping opportunities to meet their daily needs without having to travel to far reaching existing centers. The transportation network has been designed to encourage a walkable community where the residents have a choice of walking to these services by providing tree lined sidewalk system along the proposed streetscape. The internal street network has also been designed to minimize the need to travel via vehicle along Veterans Parkway to access the services.

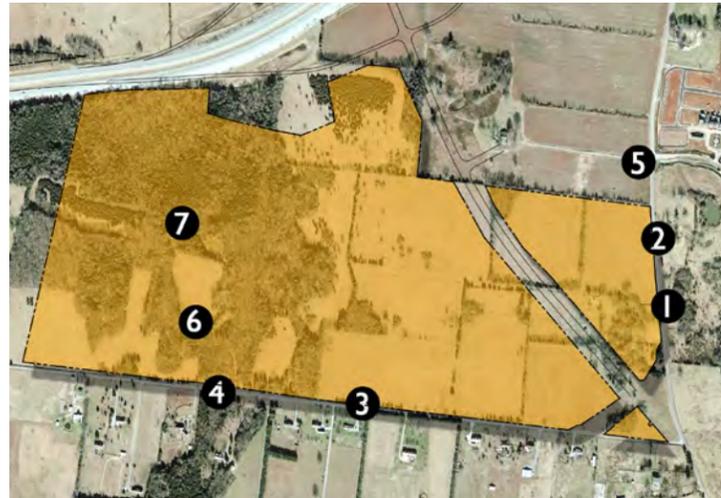
Overall, Westlawn is intended to provide a community within the City of Murfreesboro that incorporates design elements that create a character that is unique upon itself and is reflective of a gateway into the City.



LOCATION . VICINITY . REGIONAL MAP



THE SITE - SITE PHOTOS



Looking south on old Beesley Road.



Looking north on old Beesley Road.



Looking east down Shores Road.



Looking west down Shores Road.

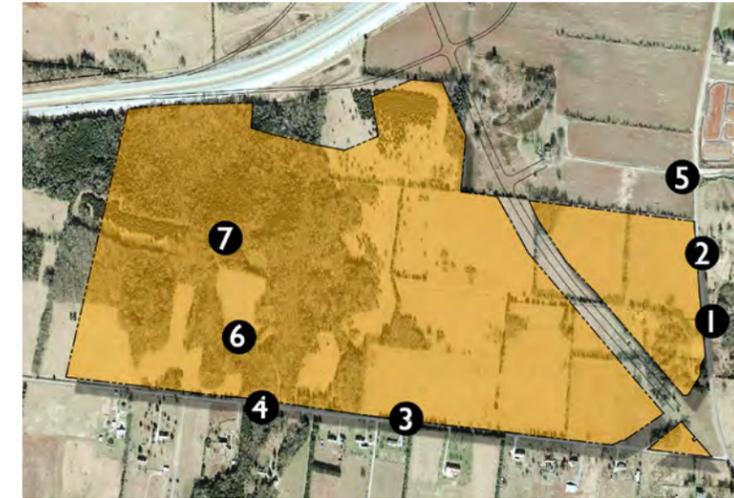
THE SITE - SITE PHOTOS



Adjacent subdivision heading north on old Beesley Road - Berkshire subdivision



Existing wetland located centrally on the property.



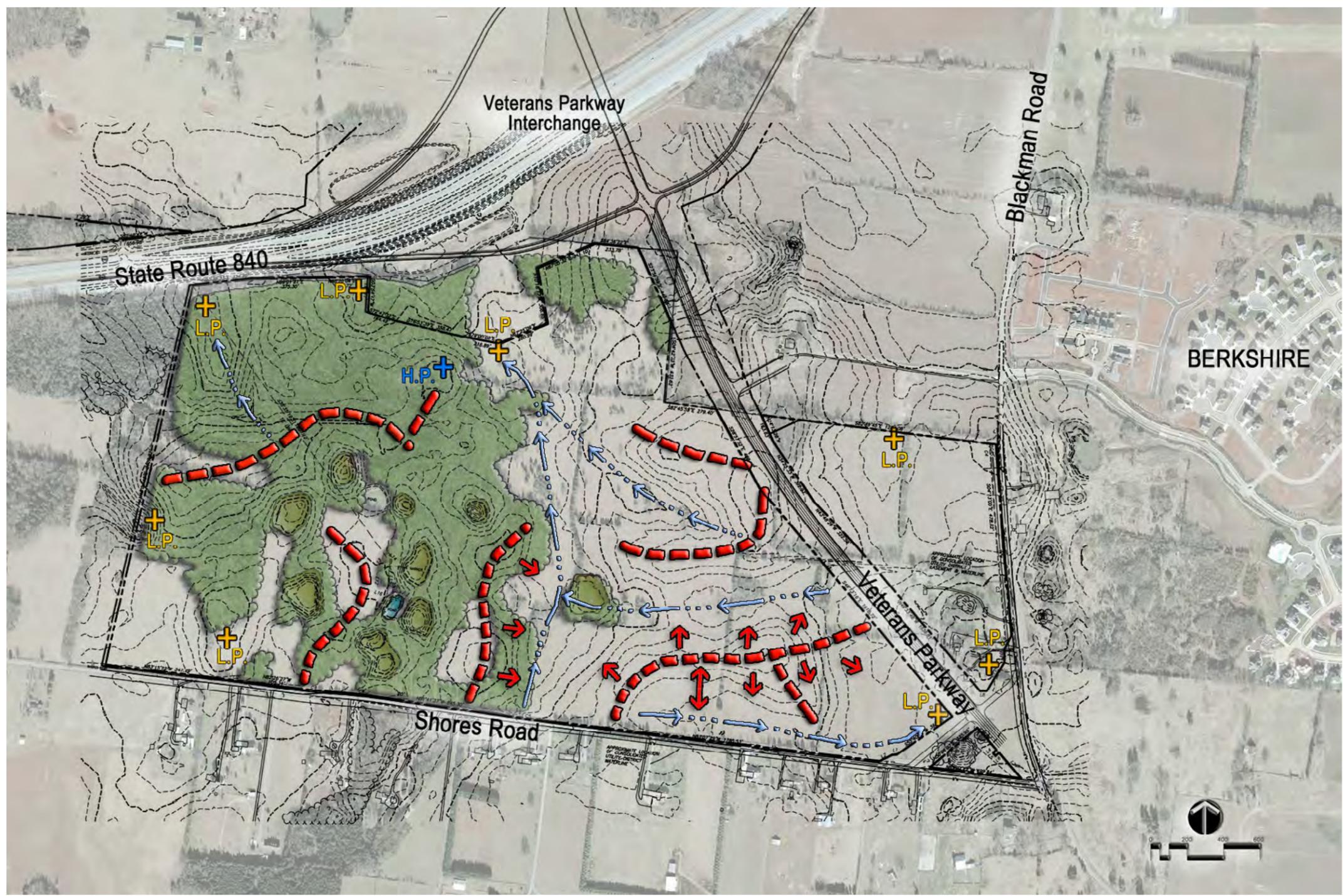
Sinkholes and depressions located in the woodlands.



b

THE SITE - LANDFORMS & NATURAL RESOURCES

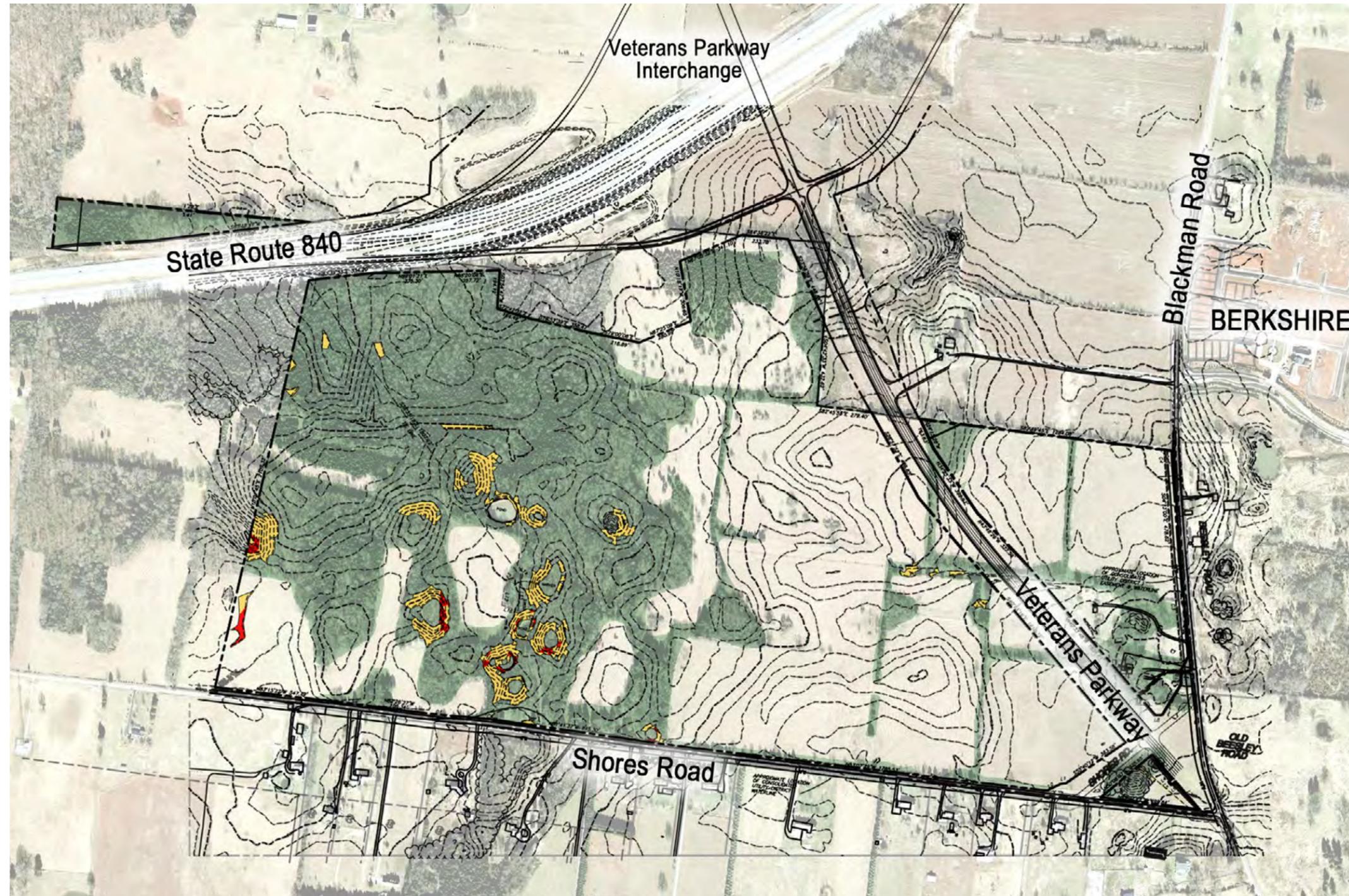
SITE INVENTORY / ANALYSIS



- Legend**
-  EXISTING TREES
 -  RIDGE LINES
 -  LOW POINTS
 -  HIGH POINTS
 -  DITCH LINES
 -  SINKHOLES
 -  WETLANDS



THE SITE - SLOPE INVENTORY

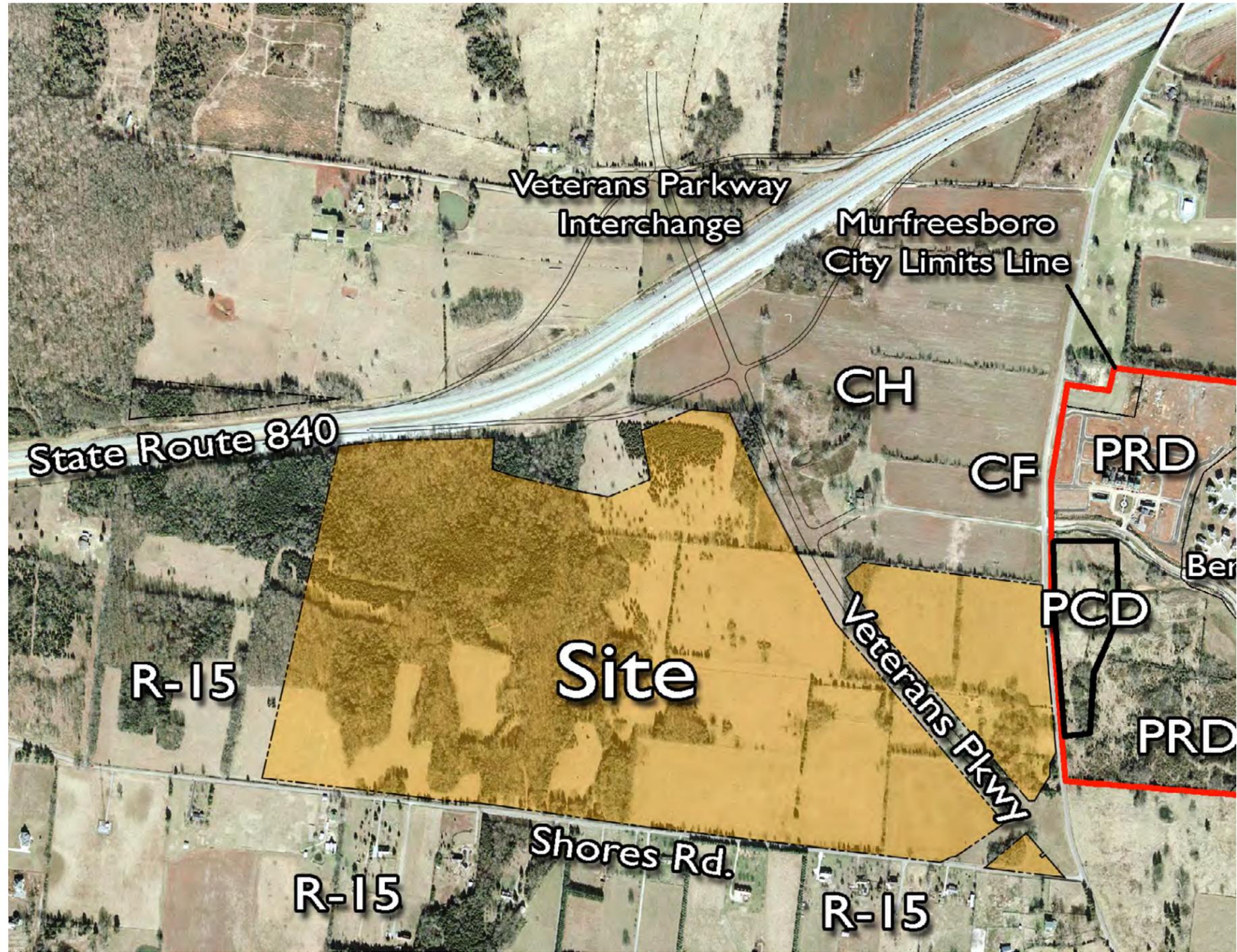


Except for a few areas in the wooded Karst areas, the site consists of topography of less than 10%. The western section of the site contains small areas with 11-25% slopes and a couple of areas greater than 25% slope, which are contained within the limits of the existing sinkholes.

- 11% - 25% SLOPES
- 25% - VERTICAL SLOPES



SURROUNDING LAND USE MAP

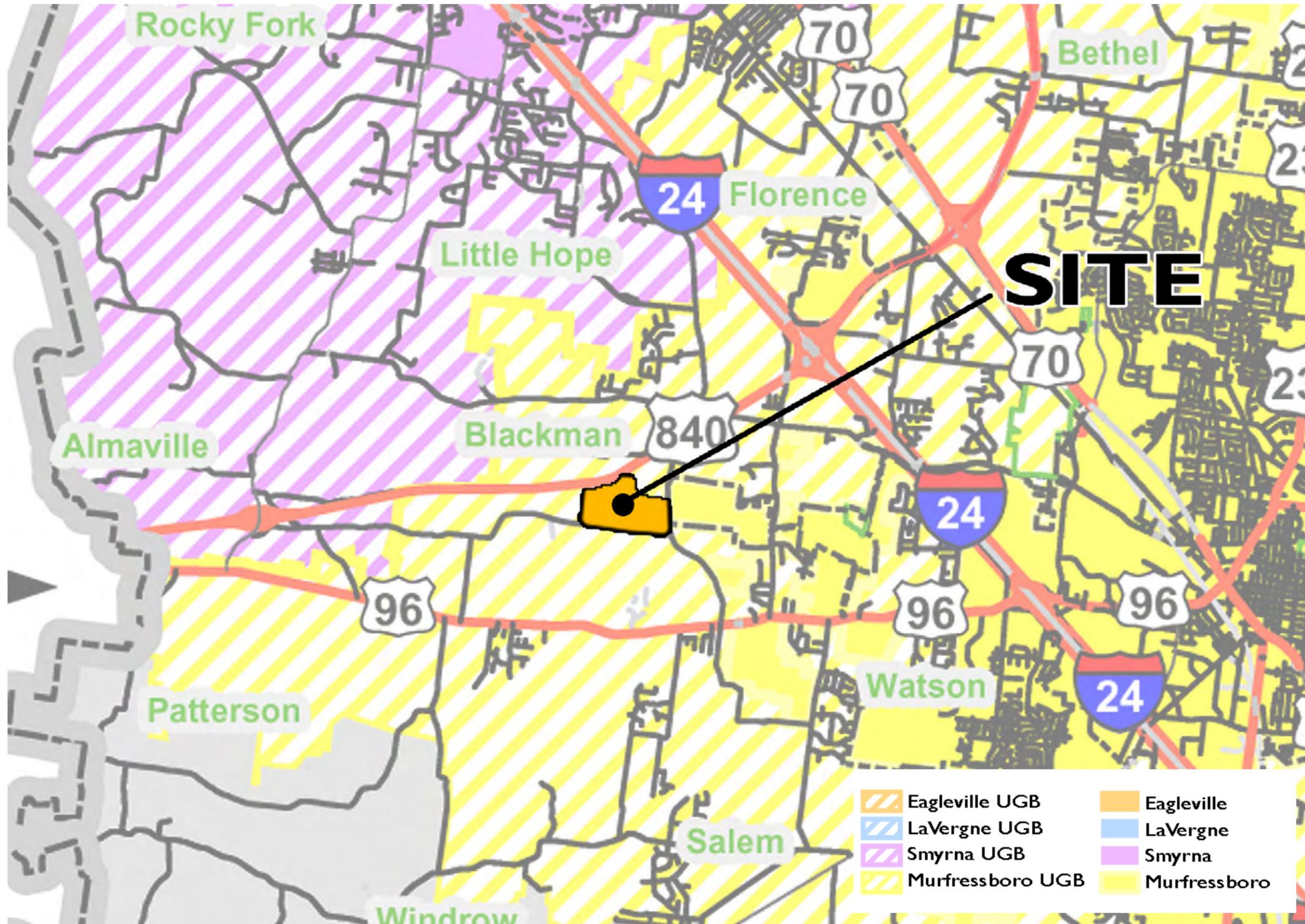


The property is primarily surrounded by large lot single family residential property and agriculture land. These properties, located to the west, south and northeast are located within the Rutherford County Planning Jurisdiction and are zoned R-15.

Berkshire, a large Planned residential development containing a mixed of housing products is located to the east along the current Blackman Road frontage. This development has been approved for and contains a mix of single family and attached townhome products. The property just south of the access to Berkshire fronting Blackman Road is currently zoned PCD (Planned Commercial Development). Both of these components of Berkshire are located within the Murfreesboro City limits and fall within the Murfreesboro Planning jurisdiction.



URBAN GROWTH BOUNDARY

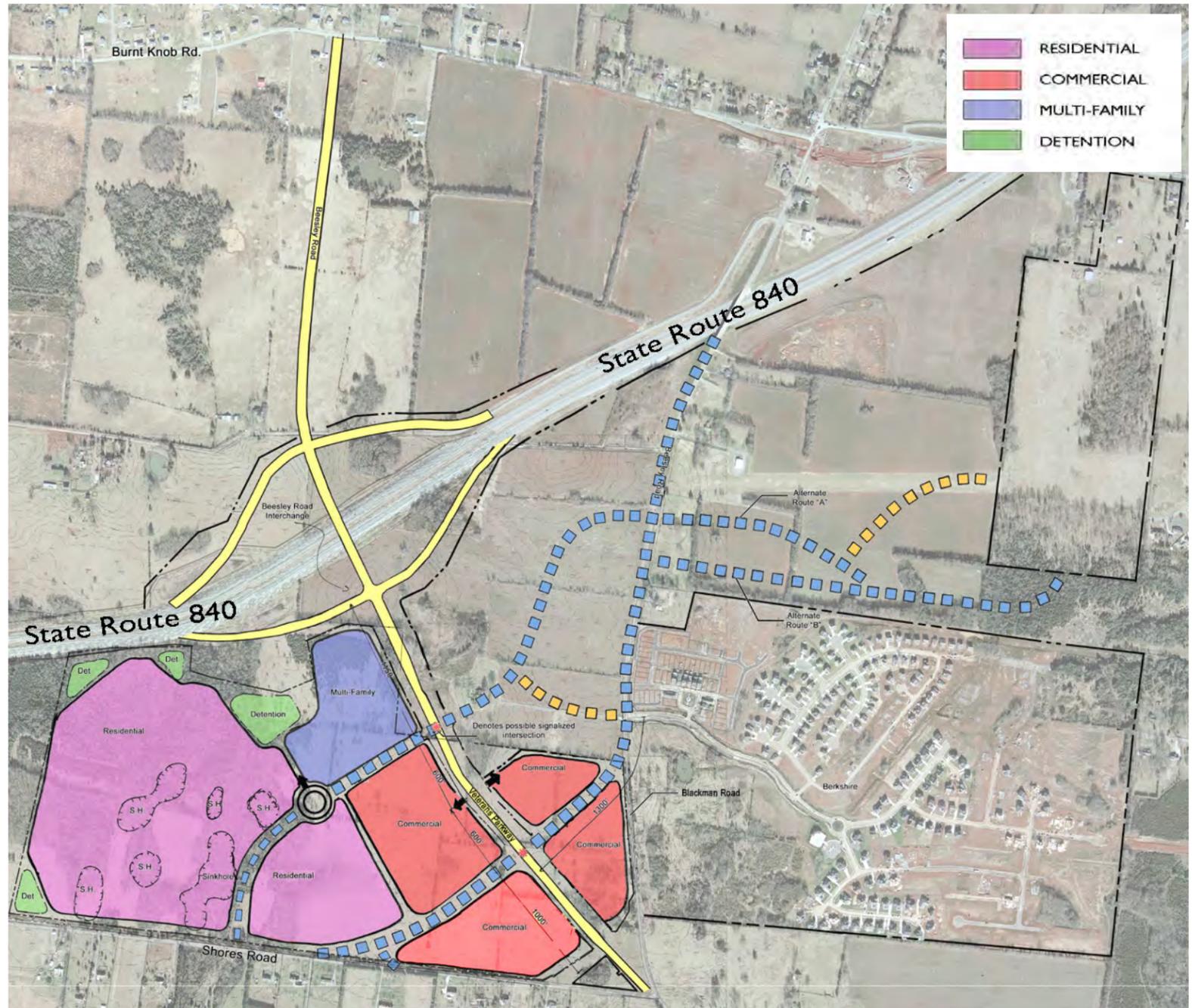


The property, as shown by the accompany map, is located within the Murfreesboro Urban Growth Boundary. It is also contiguous to the Murfreesboro City Limits with the Berkshire Development property bounding the eastern boundary of the property. As a result, additional properties will not have to be annexed to bring the property into the city.





CONCEPTUAL LAND USE PLAN



■ ■ ■ COMMUNITY COLLECTOR
■ ■ ■ RESIDENTIAL COLLECTOR

Per the 2000 General Development plan for the Blackman Community, this property was identified to contain a mix of land uses that reflects the appropriate development scenario for a property located at an interchange. The Master Plan for Westlawn concurs with the recommendations of the study with a mix of the following uses.

- Single Family Residential lots
- Multi-family units
- Commercial/retail development

These uses have been strategically located to reflect the development patterns shown on the plan. The higher density commercial and multi-family products have been located adjacent to the interchange and Veterans Parkway that is identified as a 5-lane arterial. The lower density single family residential products have been located on the western half of the property as a transition to the existing low density residential neighborhood.

The proposed Master Plan does reflect a change in land use at the property located on the east side of Veterans Parkway. The Blackman Land Use Study identifies this as medium density residential development. Westlawn is proposing that this area to be developed as commercial for several reasons. A portion of the Berkshire Development located along the frontage of Veterans Parkway has been zoned to a PCD (Planned Commercial Development). This change in the future land use, along with the character of the five lane Veterans Parkway arterial classification and realignment of Shores Road justifies a higher and better use for this corner.

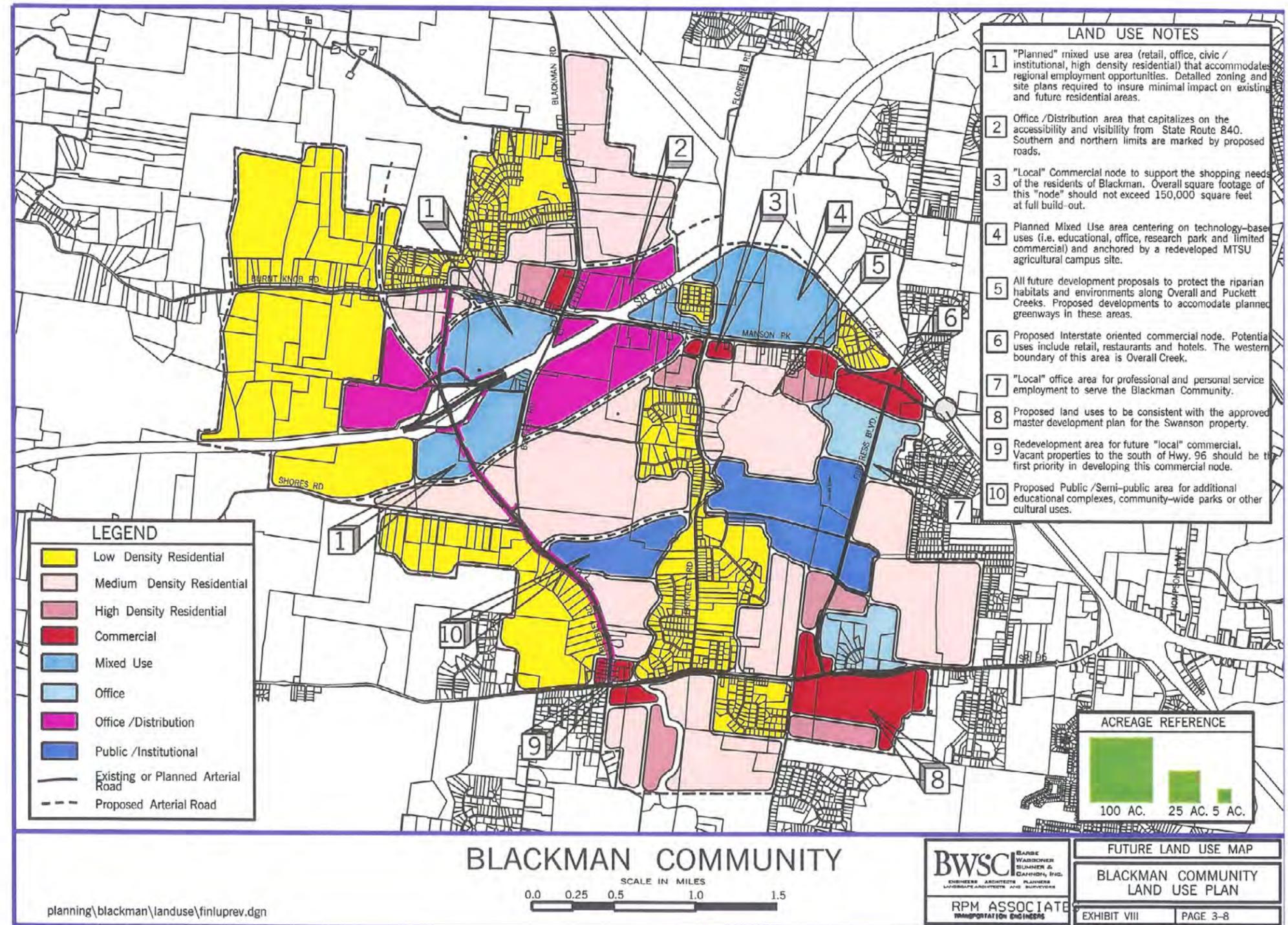
Westlawn also took into account the transportation network relative to its impact and effect on the properties located to the east. Per the land use study, a realignment of Shores Road was proposed to create a more desirable east-west connector between both the Westlawn property and developable land to the east. As shown on the conceptual land use plan and Master Plan, the proposed realignment of Shores Road and other



BLACKMAN LAND USE STUDY CONFORMANCE

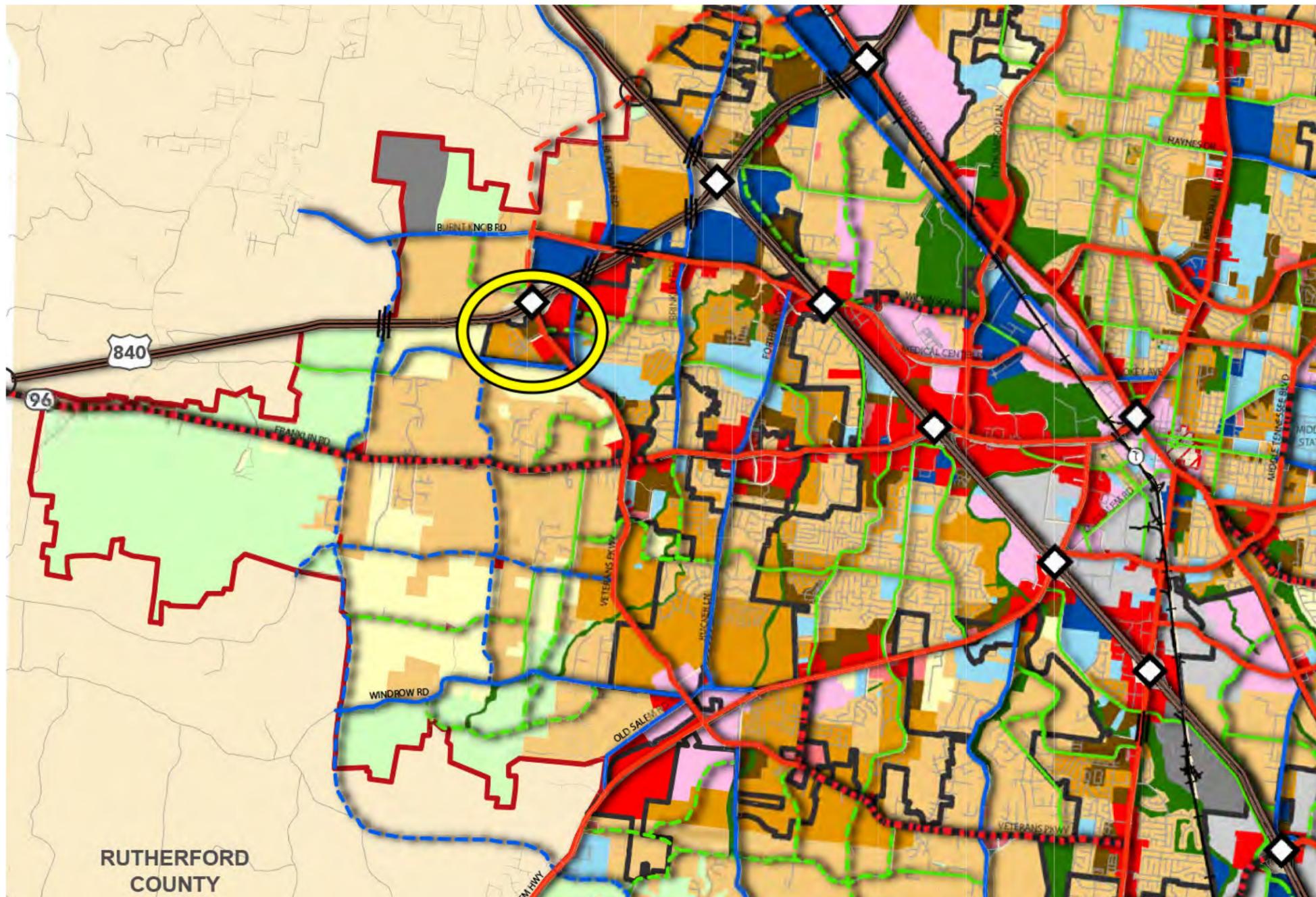
community collectors created within the Westlawn Development have been designed to create a logical road network to accommodate the future development potential of the remaining properties in this study area.

As a result of Westlawn's Land Use and Transportation Network organization and the land use change along Veterans Parkway, we feel that Westlawn, as proposed, conforms with the intent and recommendations of the Blackman Land Use Study.





MURFREESBORO 2035 FUTURE LAND USE CONFORMANCE



Currently this property is identified for multi-family as a result of the previous master plan that was approved. However, the site is bound to the North and East by properties with a commercial policy. Given the development of the new West Park on the North side of the interchange and the anticipated regional draw, and lack of commercial policy of the North side of this significant interchange, that additional commercial policy could be supported in the form of a Planned Development that would incorporate additional buffer requirements, that provide a transition to the residential policy to the South.

Proposed Land Uses <ul style="list-style-type: none"> Undeveloped Parks Suburban Estate Suburban Residential Auto Urban Residential Multi Family General Commercial Neighborhood Commercial Urban Commercial / Mixed Use Central Business District Business Park Light Industrial Heavy Industrial Public / Institutional 	ROADWAY CLASSIFICATION <table border="0"> <tr> <th>Proposed</th> <th>Existing</th> <th>Classification</th> </tr> <tr> <td></td> <td></td> <td>Expressway</td> </tr> <tr> <td></td> <td></td> <td>Major Arterial</td> </tr> <tr> <td></td> <td></td> <td>Funded Improvements</td> </tr> <tr> <td></td> <td></td> <td>Minor Arterial</td> </tr> <tr> <td></td> <td></td> <td>Collector</td> </tr> <tr> <td></td> <td></td> <td>Street</td> </tr> </table>	Proposed	Existing	Classification			Expressway			Major Arterial			Funded Improvements			Minor Arterial			Collector			Street	LEGEND <ul style="list-style-type: none"> Urban Growth Boundary City of Murfreesboro Town of Smyrna Rutherford County Railroad Transit-Oriented Development Area Proposed Interchange Existing Grade Separated Existing Bridge Overpass
Proposed	Existing	Classification																					
		Expressway																					
		Major Arterial																					
		Funded Improvements																					
		Minor Arterial																					
		Collector																					
		Street																					



OVERVIEW

Westlawn is planned as a mixed use development with a variety of residential and commercial/retail uses. Located at the gateway of the Veterans Parkway interchange, the density and uses proposed are intended to create an active community that provides quality of life opportunities for its residents and commercial tenants. Designed to conform with the General Development Plan for the Blackman Community, Westlawn's Master Plan has been organized so that its land uses and transportation network provide the appropriate transitions between the existing neighborhood and the interchange.

The commercial components for Westlawn are located along the existing 5-lane Veterans Parkway. This alignment segregates a portion of the development essentially creating two commercial districts on the east and west side. The western side contains 18.49 acres and is proposed to be developed with 162,000 s.f. retail center containing a grocery store, specialty shops and the potential for several larger tenants. There are 5 outparcels along the Veterans Parkway frontage that are targeted for a variety of potential uses including potential banks, restaurants, drug stores, retail center, and other ancillary outparcel uses. The western side also contains 16.81 acres (C-4 & C-5) proposed for 2 types of commercial developments. This includes area C-4 with potential hotel, hospital, medical office, and commercial/retail as permitted in outparcels A-F, adjacent to Veterans Parkway. Then transitioning to area C-5 which includes hospital, medical and general office, potential assisted living, independent living, and/or age restricted residential uses.

On the east side of Veterans Parkway 20.09 acres of commercial/retail development is proposed containing 141,800 s.f. of retail space and 1 outparcel. The retail space for this portion of the property is anticipated to be developed as specialty stores. The new alignment of Shores Road bisects this portion of the property creating an intersection between a community collector and arterial streets. This intersection is anticipated to be signalized upon full buildout. Careful consideration has been given to the southeast quadrant of this commercial node relative to the retail presentation to the streets that surround all sides of this parcel.

The residential neighborhood component of Westlawn contains attached and detached residential products. The detached products consist of 60', and 63' front entry garage product, and 85' wide lot with side entry garages. 51' cottage lots are proposed along the collector which incorporates alley loaded garages to remove the garage from the streetscape.

Overall, Westlawn has been designed to respect the natural resources and utilize them as an amenity for the development. The natural resources have been utilized to create open space that has been integrated into the pedestrian network to connect the various neighborhoods to each other. The Streetscape Network complements this design element by providing connectivity for both the pedestrian and vehicular traffic to help provide a walkable and integrated development.

OVERALL SITE DATA							
TOTAL SITE AREA	206.75 ACRES +/-						
RIGHT OF WAY DEDICATION (SHORES ROAD)	1.07 ACRES +/-						
MAP AND PARCEL NUMBERS	A PORTION OF PARCEL 1.0 AND A PORTION OF PARCEL 1.02 ON MAP 93; AND A PORTION OF PARCEL 52, MAP 78						
CITY	MURFREESBORO						
STATE	TENNESSEE						
COUNTY	7TH CIVIL DISTRICT OF RUTHERFORD COUNTY						
EXISTING ZONING	R-15 (RUTHERFORD COUNTY)						
PROPOSED ZONING	PLANNED DEVELOPMENT						
COMMERCIAL							
ACREAGE	USE	S.F.	F.A.R.	PARKING PROVIDED	PARKING RATIO	PAVED ACREAGE	OPEN SPACE
C-1	RETAIL	162,000 +/-	0.20	817 SPACES	1 SP. PER 198 S.F.	8.43 AC. +/- (45.6%)	6.34 AC. +/- (34.3%)
C-2	RETAIL	56,800 +/-	0.14	365 SPACES	1 SP. PER 156 S.F.	4.46 AC. +/- (48.0%)	3.58 AC. +/- (38.5%)
C-3	RETAIL	85,000 +/-	0.18	478 SPACES	1 SP. PER 178 S.F.	4.13 AC. +/- (38.3%)	4.71 AC. +/- (43.7%)
C-4/C-5	*SEE PAGE 41 FOR BULK CRITERIA FOR SECTION C-4 AND C-5						
MULTI-FAMILY							
ACREAGE	OPEN SPACE	PROPOSED UNITS	UNITS PER ACRE	PROPOSED PARKING	PARKING RATIO		
M-1	15.44 AC. +/- (68.0%)	286	12.69	539 SPACES	1.87 SPACES PER UNIT		
					PARKING WILL BE PROVIDED TO ACCOMMODATE THE MURFREESBORO ZONING REGULATIONS AS THEY RELATE TO THE BEDROOM MIX.		



RESIDENTIAL						
ACREAGE	NO. OF LOTS	UNITS PER ACRE	TOTAL LOT AREA	TOTAL R.O.W. AREA	OPEN SPACE	ADD. PARKING
R-1	113.80 AC. +/-	264	2.32	74.24 ACRES +/-	16.57 ACRES +/-	22.99 AC. +/- (20.2%)
OUTPARCELS						
OUTPARCEL	ACREAGE	PERMITTED USES				
A	1.88	ADULT DAY CARE HOME				
B	1.53	ANTIQUITY SHOP <3,000 S.F.				
C	1.39	ASSISTED LIVING				
D	1.54	BAKERY, RETAIL				
E	1.58	BANK, BRANCH OFFICE				
F	1.50	BARBER OR BEAUTY SHOP				
		BEER, PACKAGED				
		BOOK OR CARD SHOP				
		BUSINESS SCHOOL				
		BUSINESS AND COMMUNICATION SERVICE				
		CLOTHING STORE				
		CONVENIENCE SALES AND SERVICE, MAX 5,000 S.F. FLOOR AREA				
		CRAFTS STORE				
		DAY-CARE CENTER				
		DEPARTMENT OR DISCOUNT STORE				
		DOUGHNUT SHOP				
		DRY CLEANING PICK-UP STATION				
		FINANCIAL SERVICE				
		FLOWER OR PLANT STORE				
		FUNERAL HOME				
		GAS STATION				
		GROCERY				
		HEALTH CLUB				
		HOME IMPROVEMENT CENTER				
		ICE CREAM SHOP				
		INTERIOR DECORATOR				
		JEWELRY				
		KARATE, INSTRUCTION				
		LABORATORIES, MEDICAL				
		LIQUOR STORE				
		MEDICAL OFFICES				
		MEDICAL RELATED PROFESSIONS				
		NURSERY SCHOOL				
		OFFICE/ART SUPPLIES				
		OFFICES				
		PERSONAL SERVICE ESTABLISHMENT				
		PET SHOPS				
		PHARMACEUTICALS				
		PHARMACIES				
		PHILANTHROPIC INSTITUTION				
		PHOTO FINISHING				
		PHOTO FINISHING PICK-UP STATION				
		POST OFFICE OR POSTAL FACILITY				
		RESTAURANT AND CARRY-OUT RESTAURANT (ALCOHOL SERVED ON PREMISES)				
		RETAIL SHOP, OTHER THAN ENUMERATED ELSEWHERE				
		SILVERWARE & CUTLERY				
		SOAP				
		SPORTING GOODS				
		TELEPHONE SERVICE CENTER				
		TOBACCO PRODUCTS				
		VETERINARIAN'S OFFICE				



REVISIONS TO PREVIOUS BOOK

Below is an outline of specific changes that have been made to the Westlawn Pattern Book as previously approved July 26, 2018.

- Client name has changed from Parks-Harney Investments to Southeast Ministries.
- The Introduction on Page 4 has been updated to explain the additional permitted use to be added to area C-4
- The Overview on Page 15 has been revised so that hospital is listed as an example permitted use in the paragraph regarding commercial components.
- The permitted use table on Page 40 has been updated for area C-4 to now include “hospital”
- Description for C-4 on Page 41 has been updated.

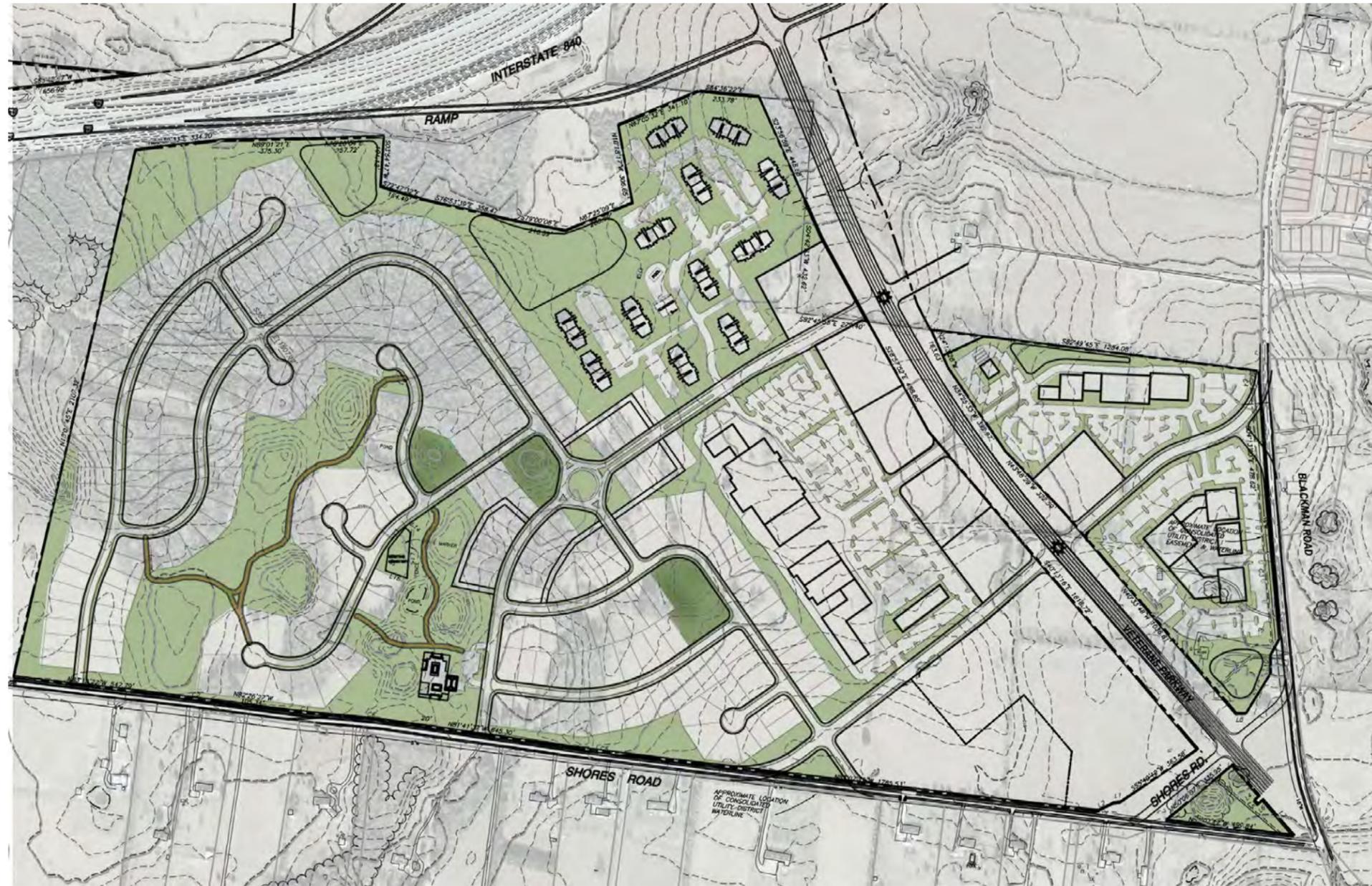


MASTER PLAN





OPEN SPACE NETWORK

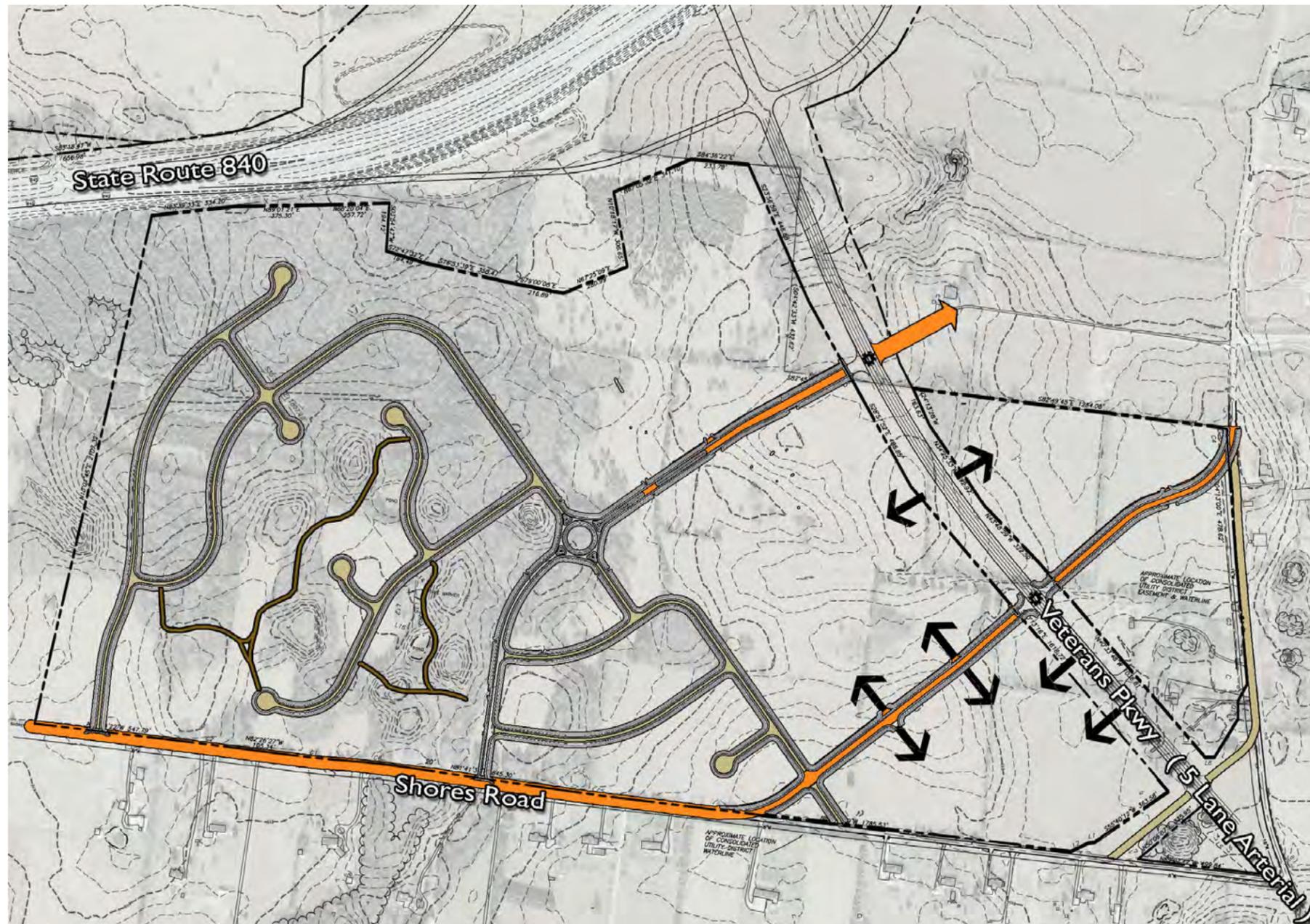


- Pocket Park
3.22 Acres
- General Open Space
61.62 Total Acres (includes pocket parks)
29.8% of Total Site Acreage



TRANSPORTATION NETWORK

The project site is currently accessible along the south property line by Shores Road and along the east property line from Veterans Parkway. Veterans Parkway and new interchange at State Route 840, provides additional access via a proposed 5 lane arterial road.



Site Circulation Plan

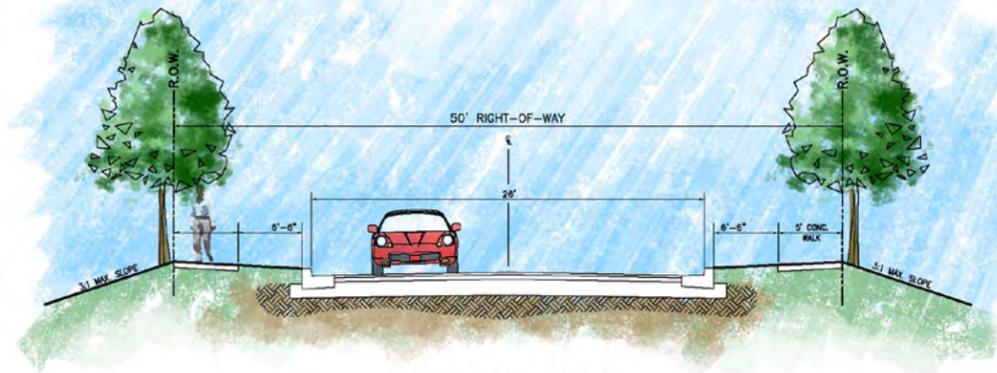
- 3 Lane Community Collectors
- 2 Lane Community Collectors
- Residential Local
- Residential Local with On-street Parking
- Community Sidewalks
- Trails
- Private Alleys





TRANSPORTATION NETWORK- COMMUNITY STREETSCAPES

All public streets and private alleys will be designed to accommodate service delivery capabilities.



RESIDENTIAL LOCAL
(50' R.O.W.)



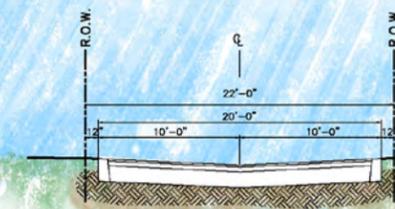
2 LANE COMMUNITY COLLECTOR
(50' R.O.W.)



3 LANE COMMUNITY COLLECTOR
(60' R.O.W.)



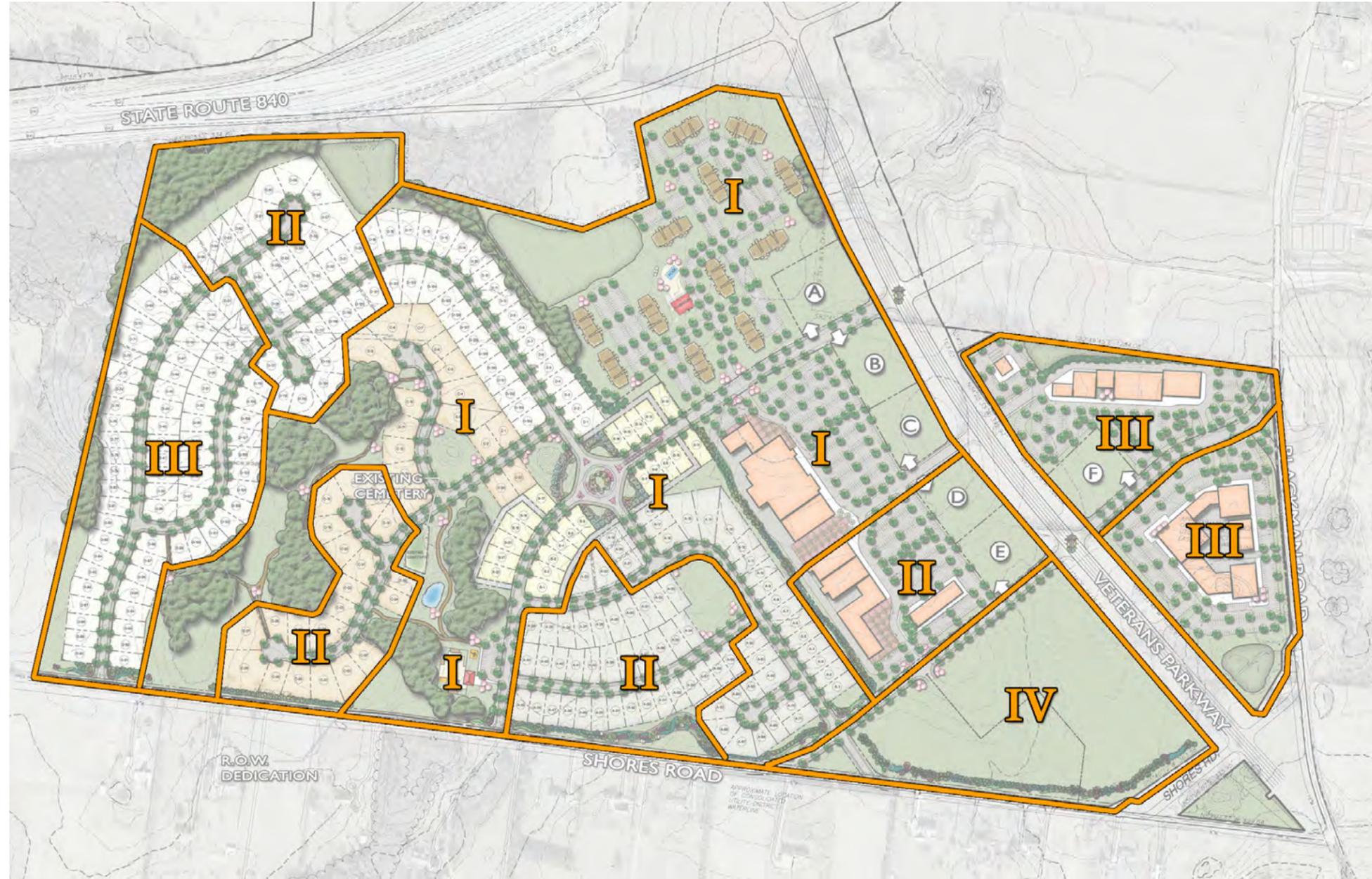
**RESIDENTIAL LOCAL
WITH ON-STREET PARKING**
(50' R.O.W.)



PRIVATE ALLEY LANE
(22' R.O.W.)



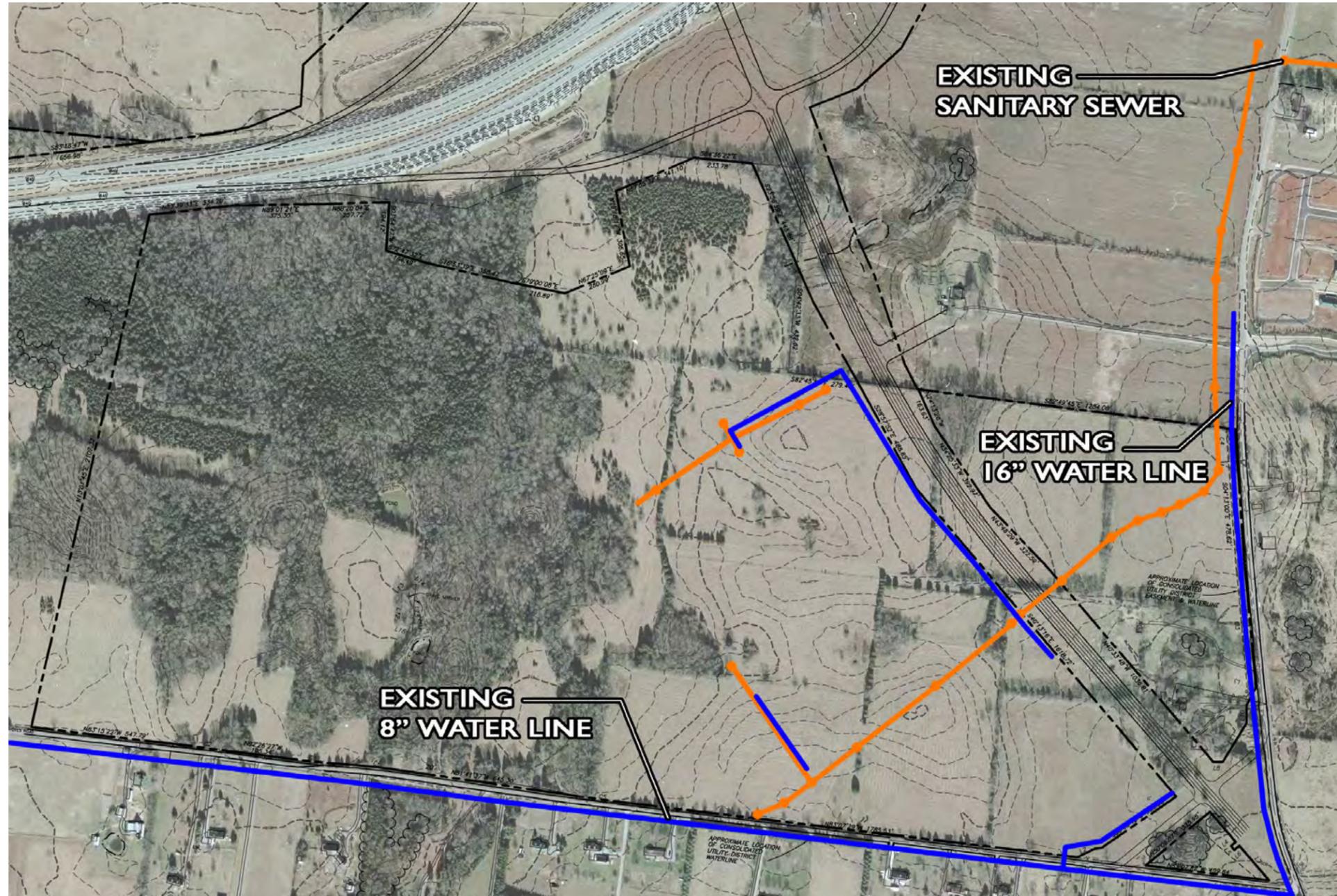
PHASING PLAN





UTILITIES - WATER, SEWER, & DRAINAGE

No blue line streams are on the property. Two small ponds are centrally located in the western 1/3 of the site (one of which has been identified as wetlands). Drainage is predominantly site contained and takes places from the numerous high points toward the Karst depressions (sinkholes) and the perimeter of the site. A majority of the property drains toward I-840, the northern border of the property. Sanitary sewer will be extended from an existing manhole north of Berkshire via gravity sewer along existing Blackman Road. A 16" water line exists on the western side of existing Blackman Road that will serve the property.



OVERVIEW

Westlawn has been designed to provide a variety of amenity opportunities for its residents and patrons. Designed as a mixed-use development, the design element of these amenity features has been created to reflect a character that is unique to the Westlawn community. The architecture, streetscape, signage and open space development designed to reinforce the character of a cohesive planned development.

The residential communities have been designed to preserve and respect the natural resources. These resources are incorporated into open space that has created a network of interconnected trails. Complimented by the sidewalk system that is part of the streetscape, this network connects the various parts of the neighborhood and creates a variety of pedestrian experiences for its residents. This network also connects the residents to the poolhouse and swimming facility that provides a more structured active recreational use for its residents.

The remaining open spaces within the residential neighborhood of Westlawn have been designed to create transitional buffers between adjacent property owners. Along Shores Road, a combination of preserved vegetation and landscaped berm have been provided to visually screen the adjacent neighbors from the proposed residential units.

Within the commercial component of Westlawn, formal open spaces will be developed to create courtyards and pedestrian gathering spaces. 15' – 20' wide sidewalks will be implemented to create a pedestrian oriented walk system that will be supplemented with foundation and tree plantings.

The streetscapes throughout Westlawn have been designed to be visually pleasing and pedestrian friendly. With walks on both sides, the network of streets connects the various land uses for both vehicular and pedestrian traffic. The design elements incorporated into the streetscape include lighting, street trees and street signage that will be consistent throughout the development to create a consistent theme.

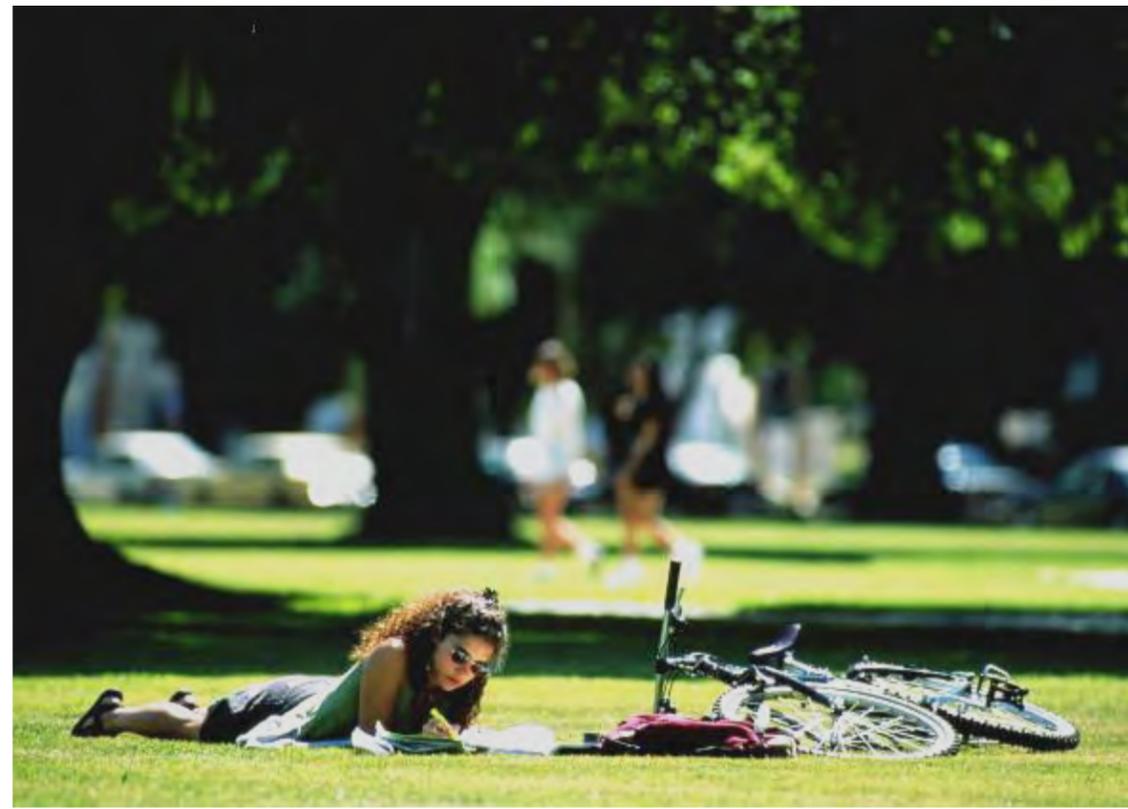
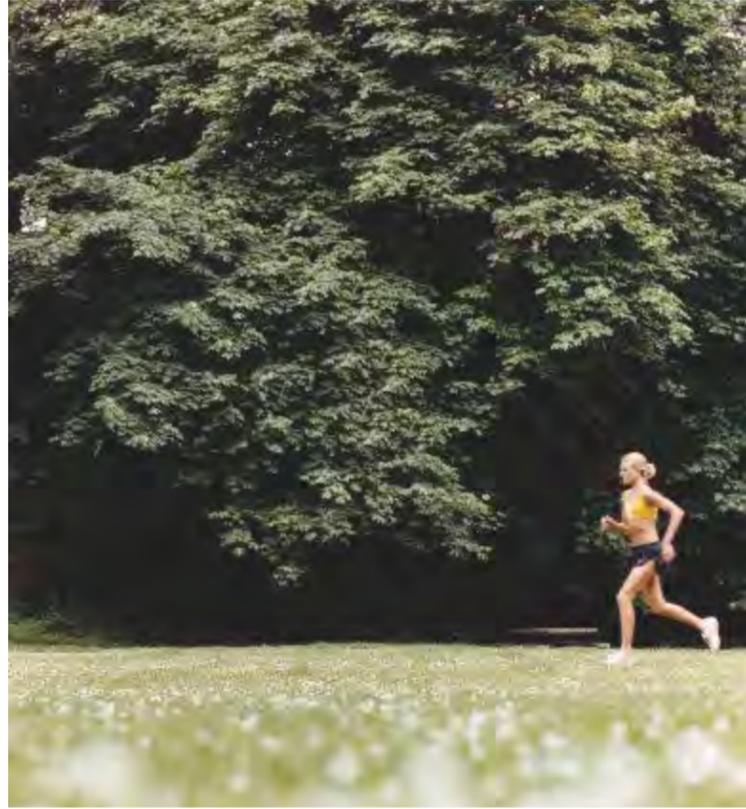
Signage is a critical design element that will be used to let both the residents and patrons know that they are within a Planned Development. The palette of materials and size has been developed to create the theme of the development. All signage will be in conformance with the City's requirements but will more importantly be governed by the owners association to insure compatibility and consistency throughout the development.

Overall, the Westlawn amenity feature will be designed to create a fluid community that will be tied together by these common design elements.



PARKS & AMENITY AREAS

SITE AMENITIES



SIGNAGE & ORNAMENTAL LIGHTING

Traditionally styled street pole lighting will be used throughout the proposed development to create a cohesive look. In addition to the lighting, the street signage will maintain the same character.

Cohesive signage will be used throughout the proposed Westlawn Development. Larger signage with ornamental lighting will be used at the front entrance and smaller complimentary signage at secondary entrances. The light poles below are shown as example ornamental lighting, which will be public. The actual light pole will have to be coordinated with Middle Tennessee Electric and Murfreesboro Electric. At the time of construction document submittal plans will be included as to which pole was selected and where they will be located.



Example of street lighting



Example of street signage



Examples provide by Middle Tennessee Electric Membership Corporation.



Building Signage



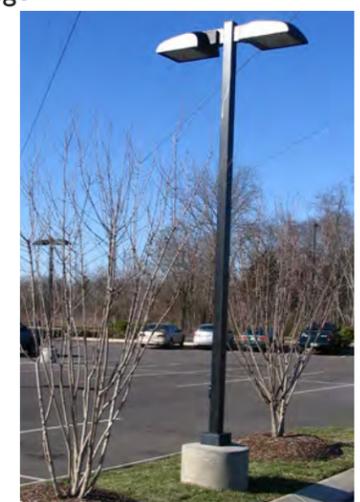
Building Signage



Marquee Signage



Development Signage



Retail Lighting

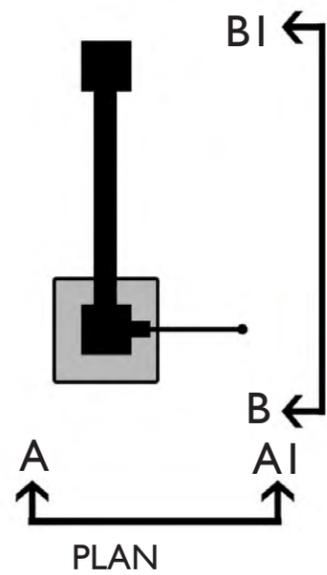


COMMUNITY SIGNAGE & MAIN ENTRY SIGNAGE

The materials proposed for the signage are stone, limestone, stucco, painted pvc, wrought iron fencing, and copper. This material is proposed for the commercial as well as the residential signage to help unify and create community character. The Westlawn logo is applied in an emblem form and is a simple way to help visitors and residents to identify the community.



KEY MAP



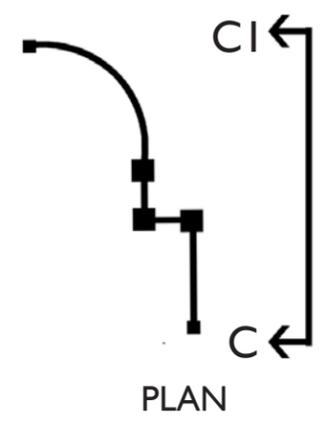
PLAN



Community Signage / SECTION A - AI



Community Signage / SECTION B - BI



PLAN



Main Entrance Signage / SECTION C - CI



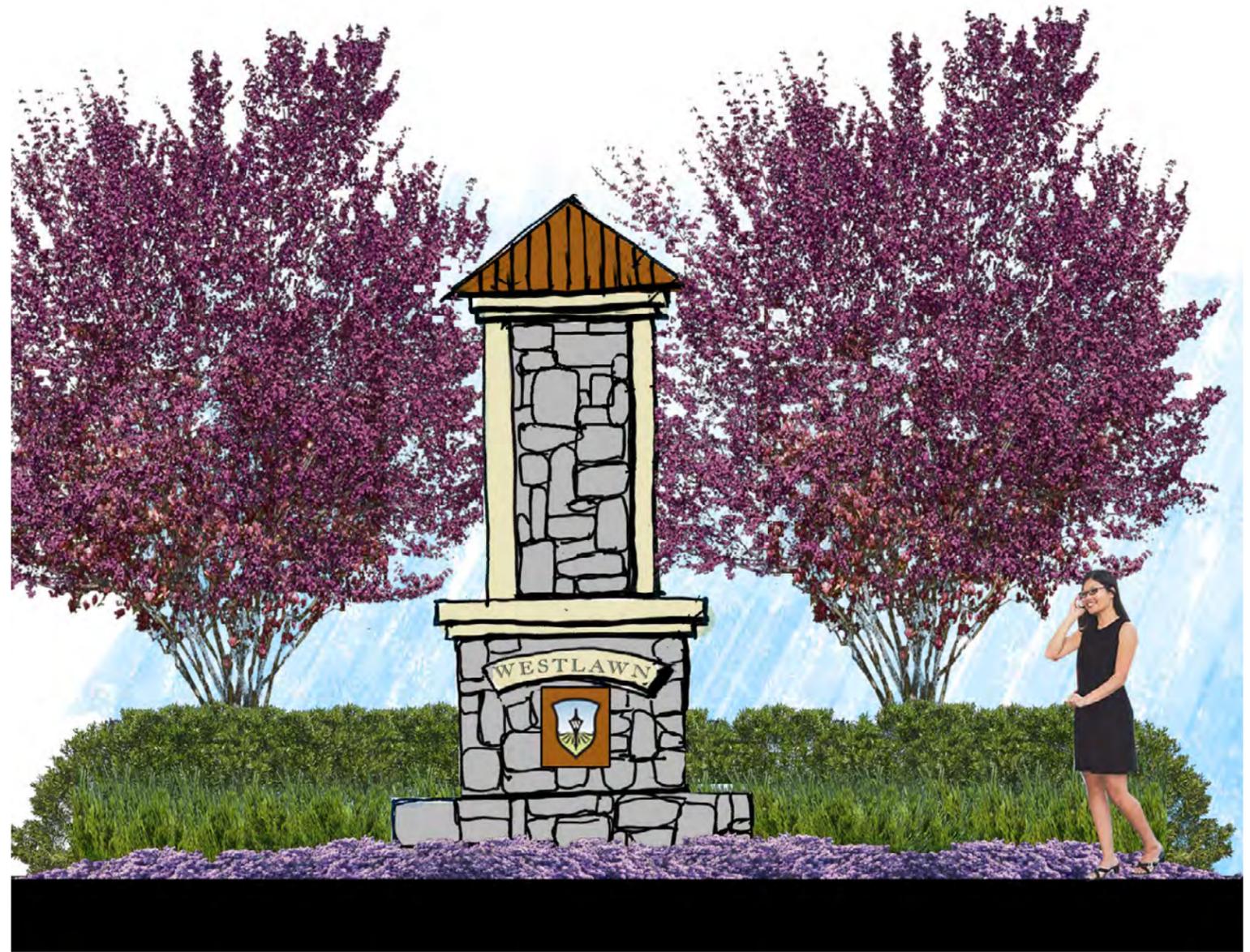
MONUMENT SIGNAGE FOR OUTPARCELS & ROUNDABOUT STRUCTURE



KEY MAP



 Outparcel Signage

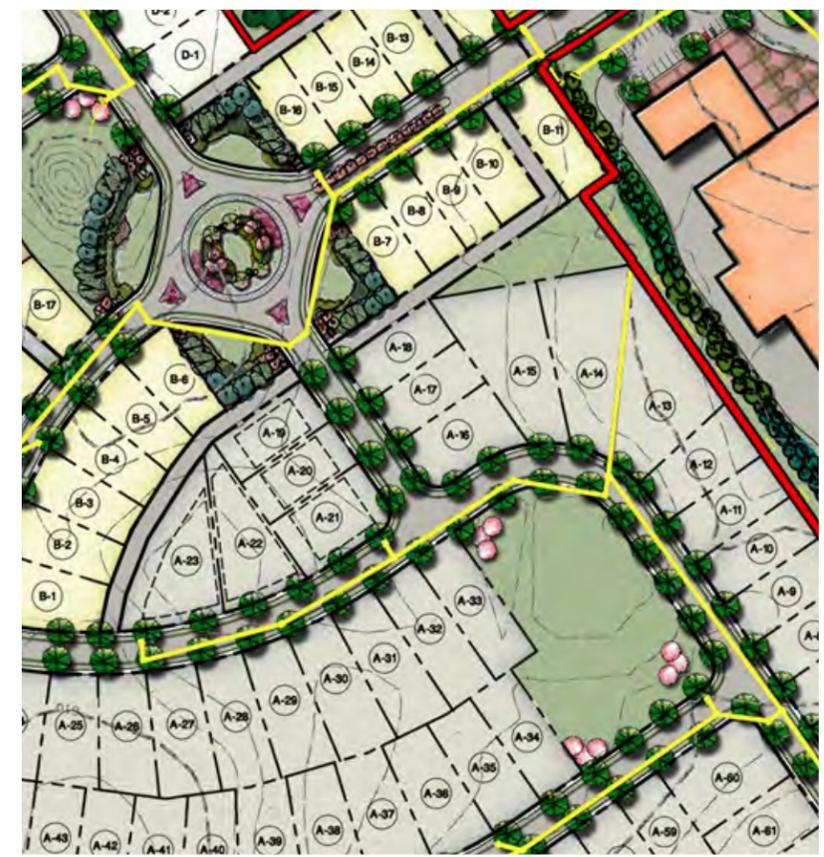


 Roundabout Structure / ELEVATION



RESIDENTIAL AMENITIES - POCKET PARKS

The amenity package for Westlawn includes active open space areas, which includes larger informal parks and formal pocket parks. Both the informal and formal spaces will include seating areas for residential use. Additionally, a playground is proposed for the neighborhood amenity center. Ornamental trees and shrub massings are proposed to accent these pocket park areas.



RESIDENTIAL AMENITIES - POOLHOUSE / POOL

The multi-family and single family residential communities will both have a pool facility to provide active recreation opportunities. Both facilities will be designed to blend with the architecture of their communities.



Multi-family Clubhouse / Pool Area to include clubhouse, pool, kiddie pool, and paved seating areas. Specific designs will be provided as part of the GDO process.



Residential Community Poolhouse / Pool Area will include a playground, 1,200 S.F pool house, 1,800 S.F pool, 420 S.F toddler pool, and paved seating areas, along with parking, walks, and trails that will connect the community to the amenity center.



RESIDENTIAL AMENITIES - TRAIL SYSTEM

Trail systems have been developed to connect the various neighborhood communities to the central amenity site. As proposed, the community will have approximately 2,970 linear feet of paved trails that will connect the communities and provide residents access to experience the natural amenities of the site.



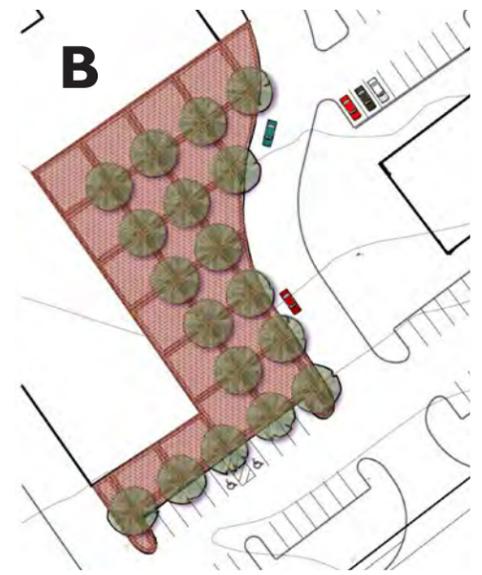
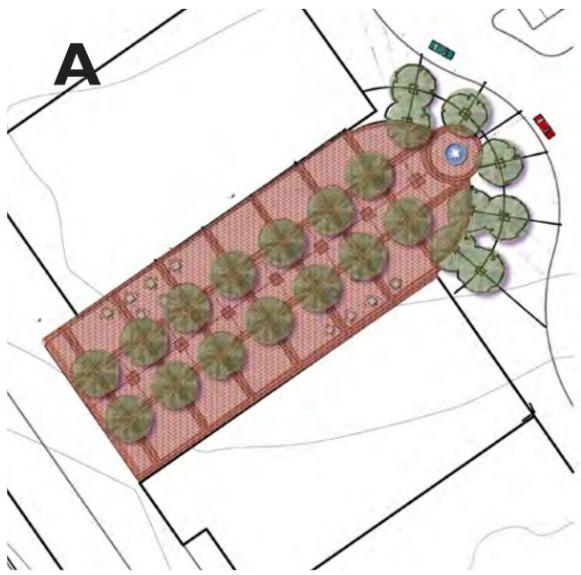
RESIDENTIAL AMENITIES - WALKABLE COMMUNITY

Walkability is the cornerstone and key to a development's efficient ground transportation. Every trip begins and ends with walking. Walking remains the cheapest form of transport for all people, and the construction of a walkable community provides the most affordable transportation system any community can plan, design, construct and maintain. Walkable communities put environments back on a scale for sustainability of resources and contribute to social interaction and physical fitness. Walkable communities are more liveable communities and lead to whole, happy, and healthy lifestyles for the people who reside.



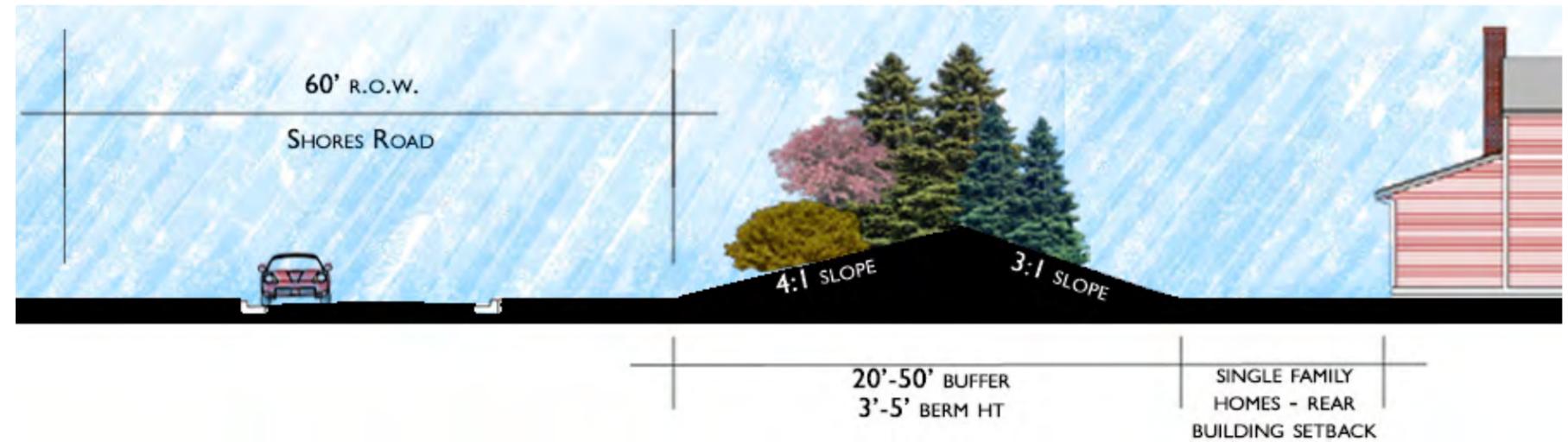
COMMERCIAL-FORMAL OPEN SPACE/PLAZA SPACE

Formal plazas will be incorporated into the retail center to provide pedestrian gathering spaces. Sidewalks are also designed to provide enough width to create a pedestrian oriented and human scale space.



RESIDENTIAL- BUFFER/SCREENING

A 20 to 50' minimum landscape buffer will be provided along Shores Road to screen the backs and sides of the proposed 85' and 63' residential lots that back up to the existing residents along Shores Road. This buffer will be a culmination of ornamental and evergreen plant material. This application will be designed around existing vegetation and will be installed continuously along the backs of the proposed lots.



SECTION A-A1

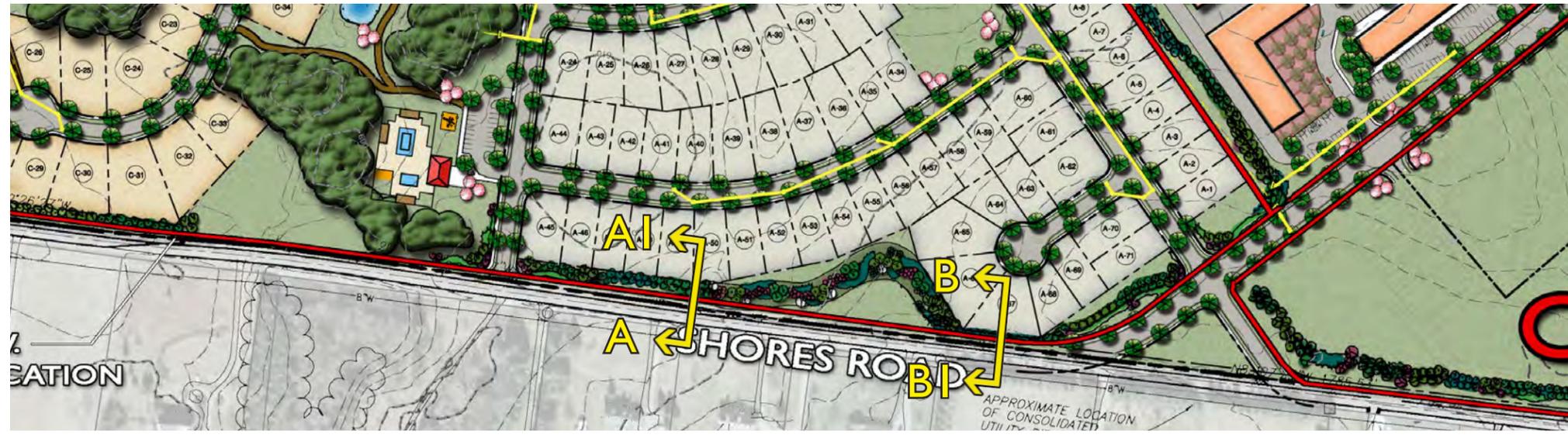
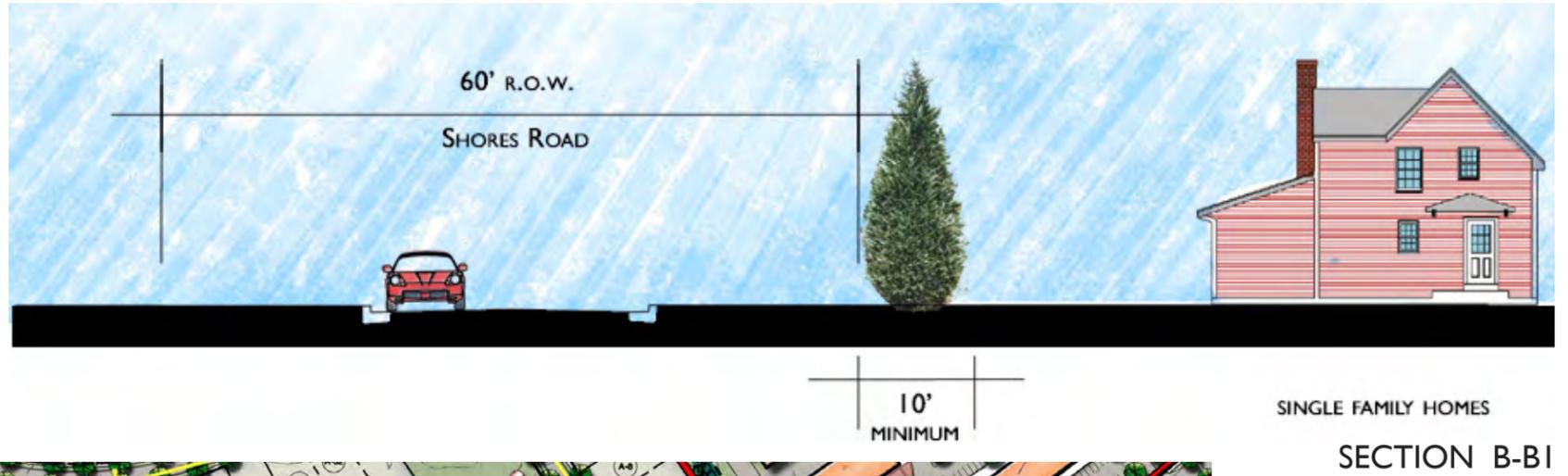
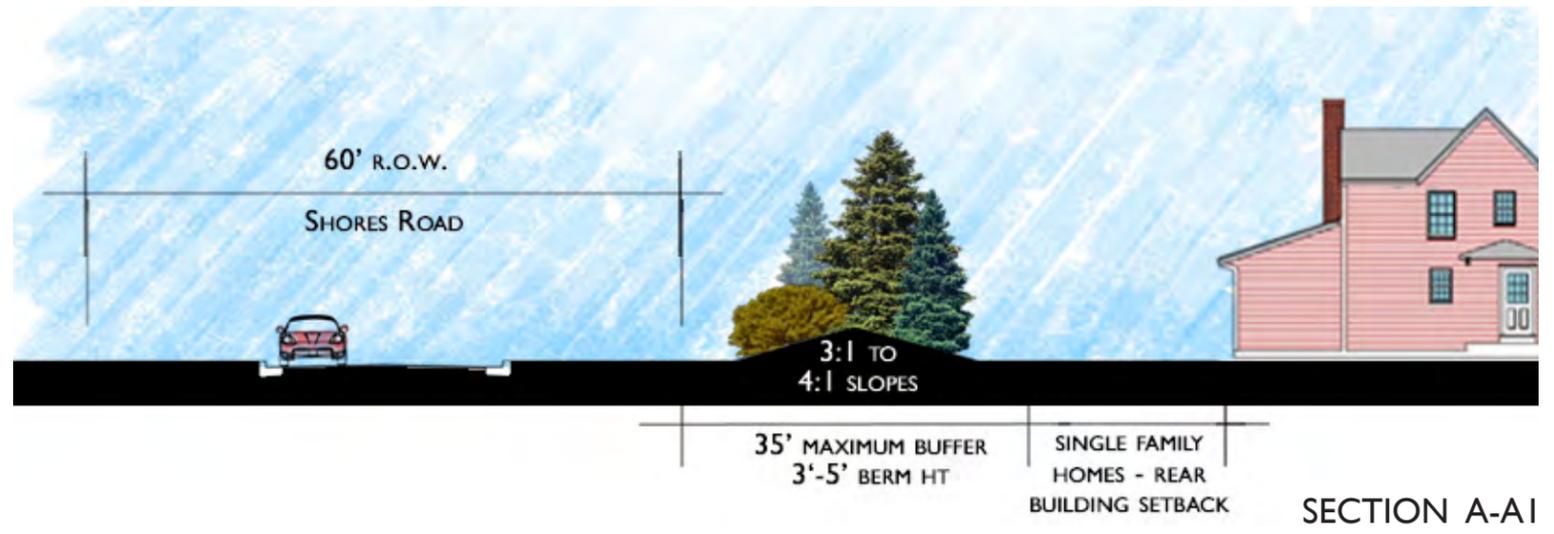


PLAN VIEW



RESIDENTIAL-BUFFER/SCREENING

Where 60' lots back up to Shores Road, a 10' to 35' buffer will be provided to screen the backs and sides of the residential lots. This buffer will be a culmination of ornamental and evergreen plant material and will include berms on the wider buffers to add additional screening.

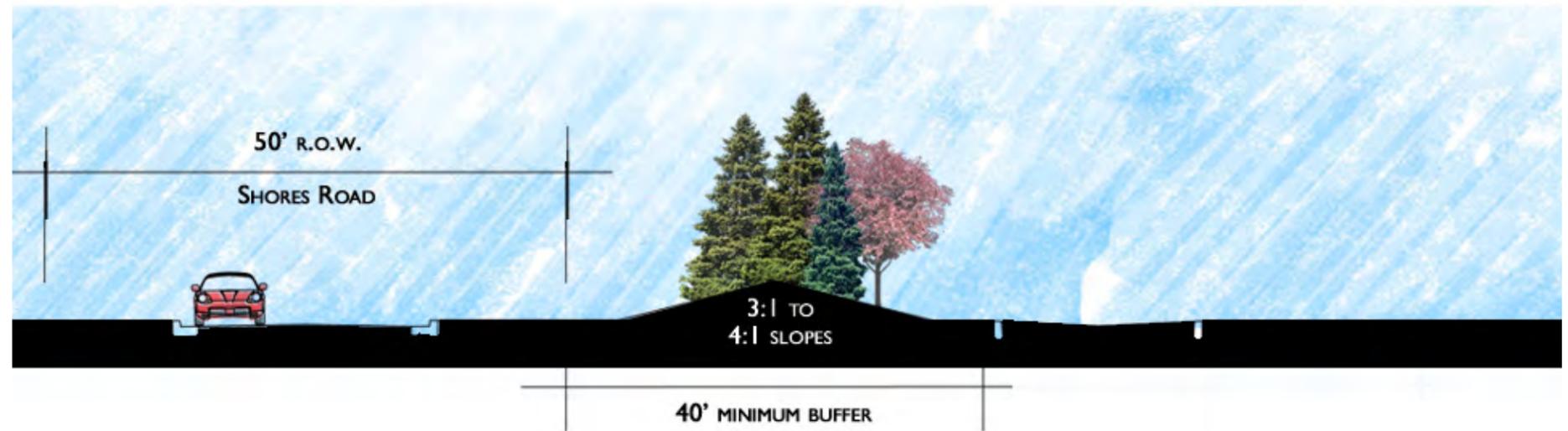


PLAN VIEW

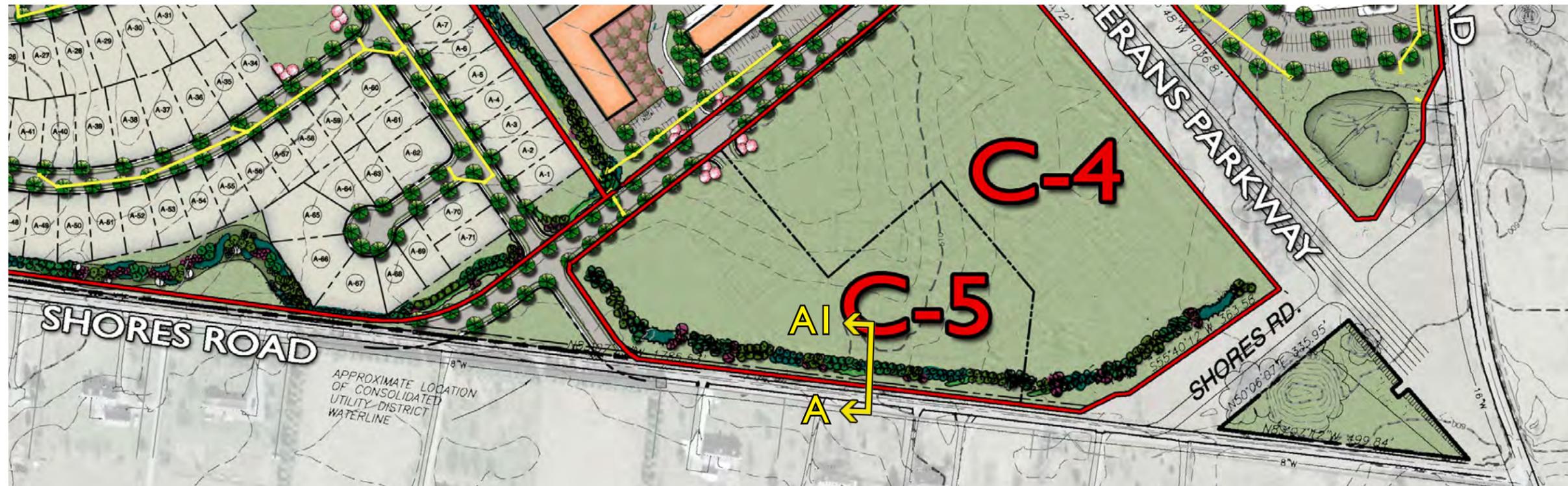


RESIDENTIAL- BUFFER/SCREENING

A buffer along the existing Shores Road alignment will be installed that contains a berm with evergreen planting to screen the proposed alley from the residents along Shores Road.

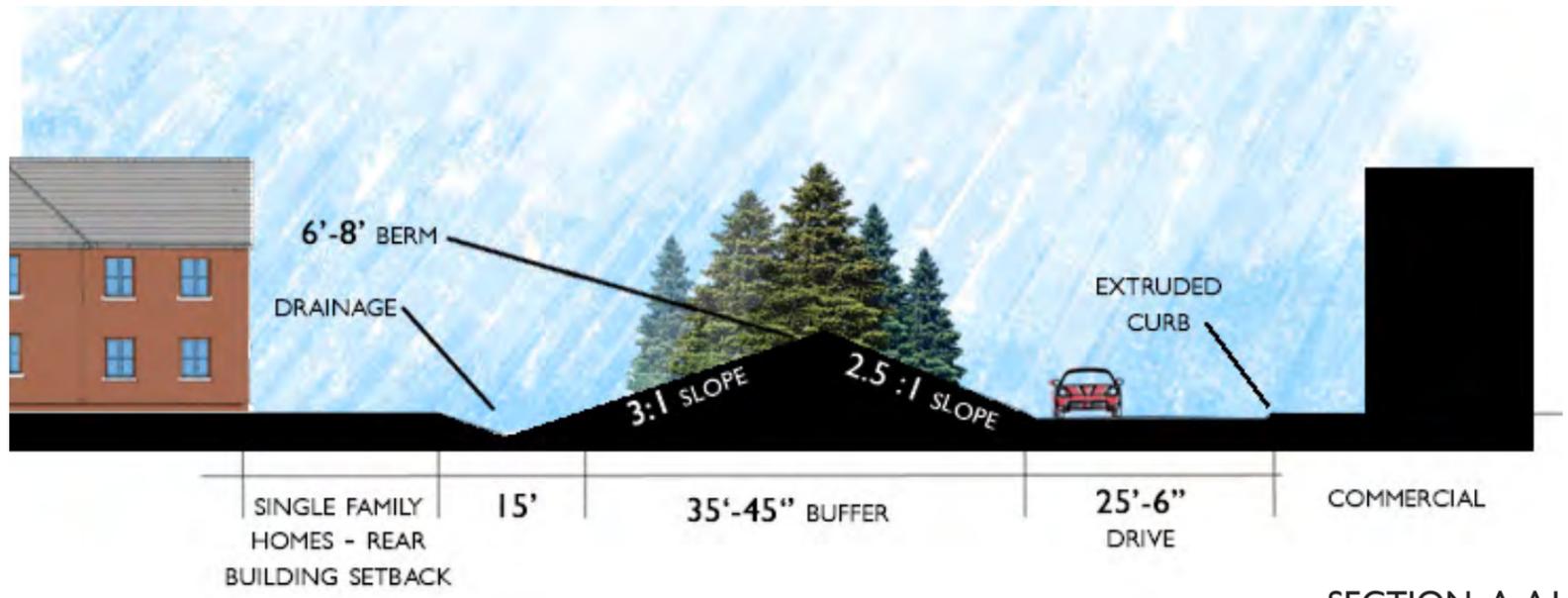


SECTION A-AI

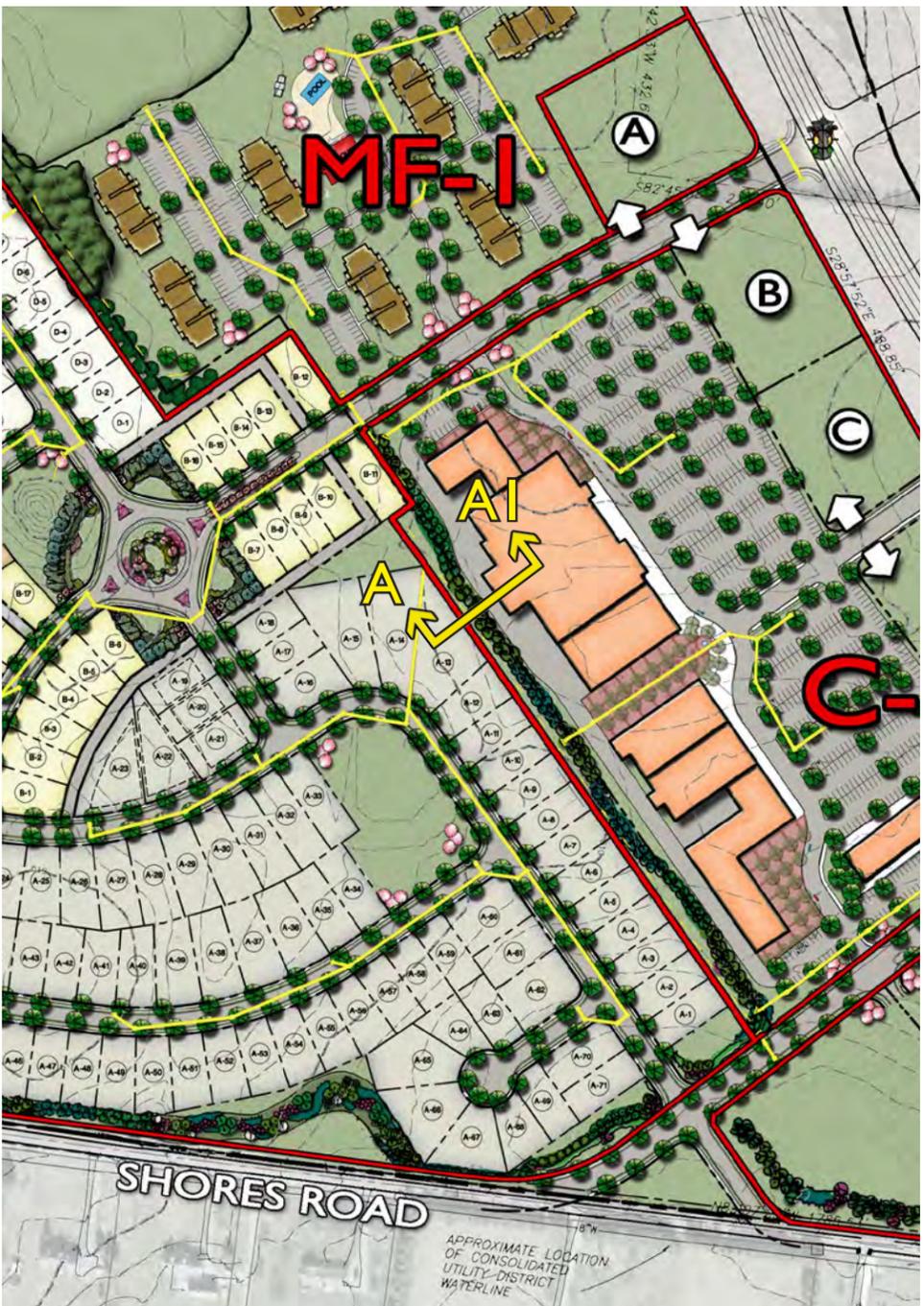


COMMERCIAL - BUFFER/SCREENING

A continuous evergreen planting buffer will be installed within the open space transition between the proposed commercial component and the proposed single family lot. A 6' to 8' berm with evergreen plantings will be installed continuously along this edge as depicted in the plan view.



SECTION A-A1



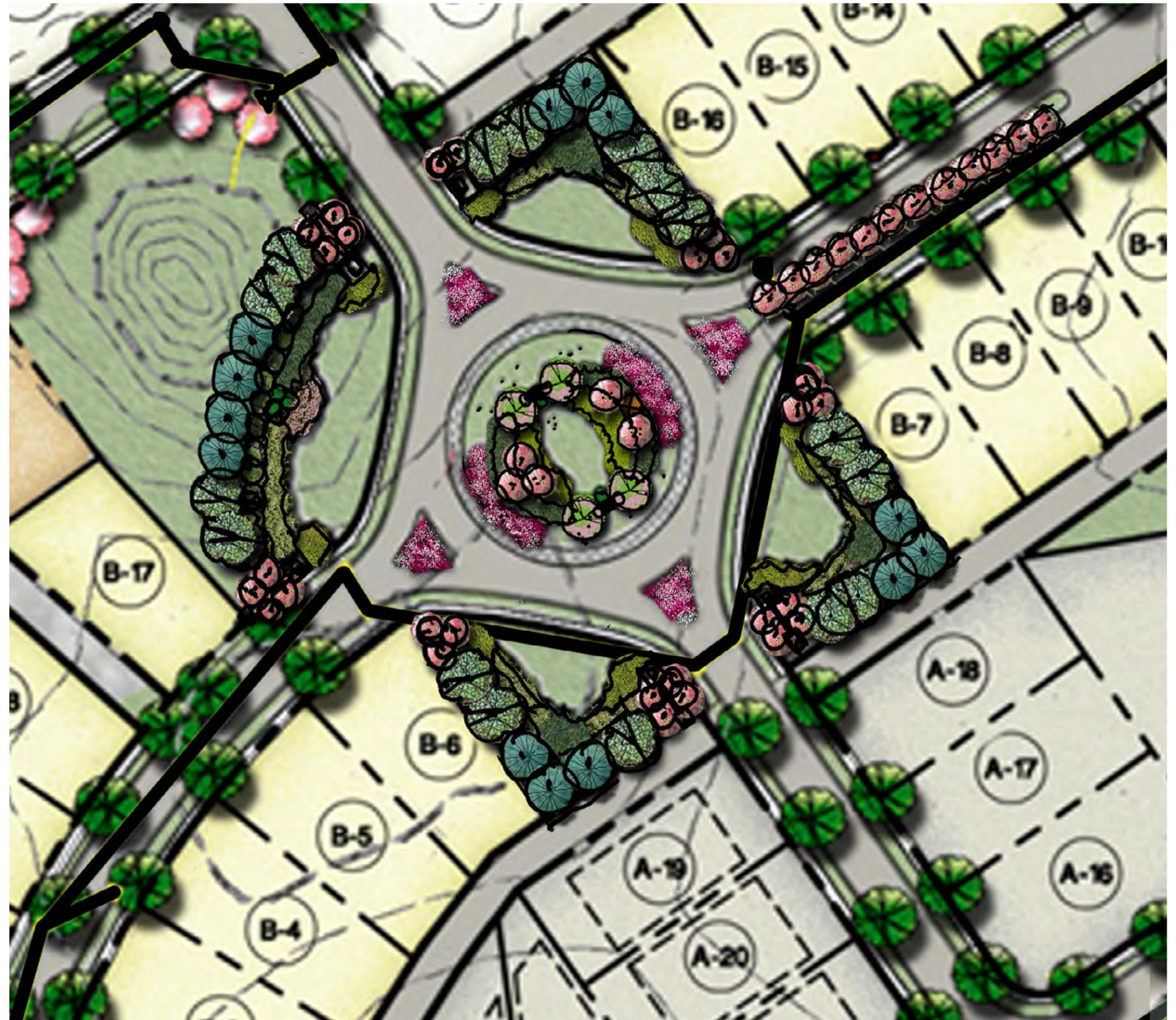
PLAN VIEW



ROUNDAABOUT



The roundabout contains the community signage and roundabout structure, as well as a dense massing or hedge of evergreen trees and shrubs, mixed with accents of color. The roundabout structure acts as a focal point and landmark for residents and visitors. Ornamental trees help accent this feature and fill the space with color and texture.





OVERVIEW

The proposed architectural look for Westlawn will reflect a unique variety of building materials including brick, stone, precast concrete, and canvas awnings. The architectural rendering and supporting images illustrate the type of materials and character for the proposed development. Roof lines with varied heights will add interest to the facade and create an aesthetically pleasing retail center. The architectural and landscape character of these buildings will apply to the entire development including the out parcel properties. Although the tenants for the six out parcels has not yet been determined, the Westlawn standard will require the conformity of such out parcels. Upon completion of the development all buildings will be required the same standard landscape package, ornamental lighting and upgraded building facade set forth by the rest of the development. The developer's vision is to create an environment that functions well from a pedestrian and vehicular pattern as well as create aesthetic value to neighboring future developments.

Current parking calculations reflect the standard for typical minimum retail usage of 1 space per 200 sq.ft. Parking calculations and building sq. ft. will be modified pending on the tenant.



ARCHITECTURAL CHARACTER



THE COMMERCIAL / RETAIL CENTER



OVERVIEW - C-4

COMMERCIAL AREA C-4	
PERMITTED USES	
ADULT DAY CARE HOME	HOTEL
ANTIQUA SHOP <3,000 S.F.	ICE CREAM SHOP
ASSISTED LIVING	INTERIOR DECORATOR
BAKERY, RETAIL	JEWELRY
BANK BRANCH OFFICE	KARATE, INSTRUCTION
BARBER OR BEAUTY SHOP	LABORATORIES, MEDICAL
BOOK OR CARD SHOP	MEDICAL OFFICES
BUSINESS SCHOOL	MEDICAL RELATED PROFESSIONS
BUSINESS AND COMMUNICATION SERVICE	NURSERY SCHOOL
CLOTHING STORE	OFFICE/ART SUPPLIES
CONVENIENCE SALES AND SERVICE, MAX 5,000 S.F. FLOOR AREA	OFFICES
CRAFTS STORE	PERSONAL SERVICE ESTABLISHMENT
DAY-CARE CENTER	PET SHOPS
DEPARTMENT OR DISCOUNT STORE	PHARMACEUTICALS
DOUGHNUT SHOP	PHARMACIES
DRY CLEANING PICK-UP STATION	PHILANTHROPIC INSTITUTION
FLOWER OR PLANT STORE	PHOTO FINISHING
FUNERAL HOME	POST OFFICE OR POSTAL FACILITY
GAS STATION	RESTAURANT AND CARRY-OUT RESTAURANT (ALCOHOL SERVED ON PREMISES)
GROCERY	RETAIL SHOP, OTHER THAN ENUMERATED ELSEWHERE
HEALTH CLUB	SPORTING GOODS
HOME IMPROVEMENT CENTER	TELEPHONE SERVICE CENTER
HOSPITAL	VETERINARIAN'S OFFICE

PCD ZONING BULK REGS:

MIN. LOT REQUIREMENTS

- MIN. LOT AREA: N/A
- MIN. LOT WIDTH: 50'

MIN. YARD REQUIREMENTS

- MIN. FRONT YARD: 30'
- MIN. SIDE YARD: 10'
- MIN. REAR YARD: 20'

LAND USE INTENSITY RATIOS

- MIN. F.A.R.: N/A
- MIN. L.S.R.: N/A
- MIN. O.S.R.: N/A

MAX. HEIGHT: 75'

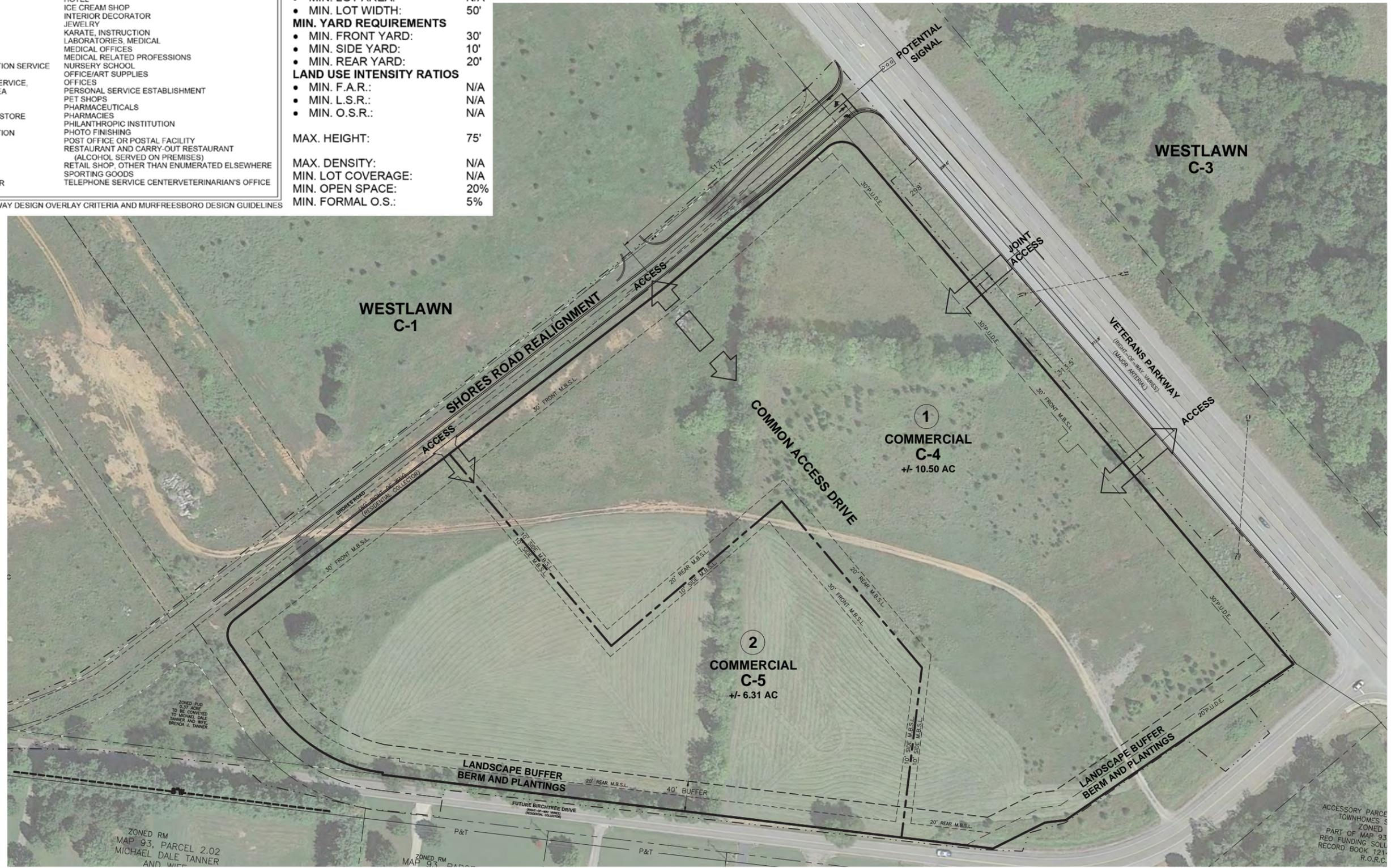
MAX. DENSITY: N/A

MIN. LOT COVERAGE: N/A

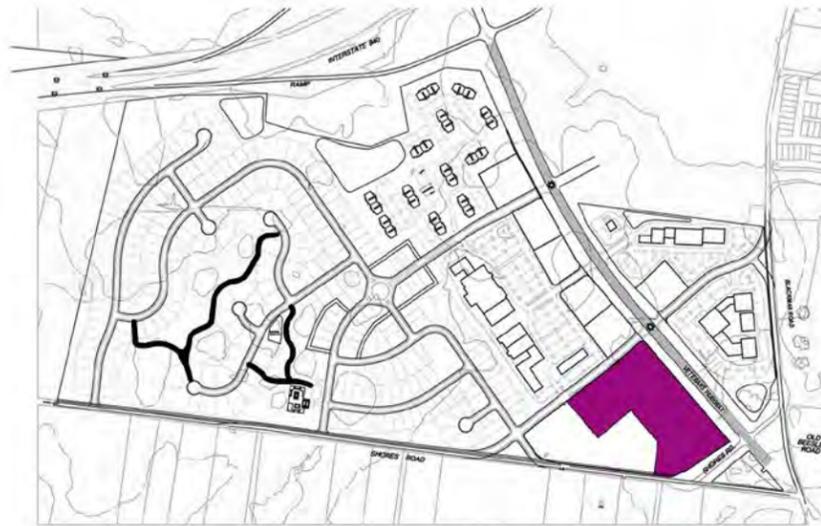
MIN. OPEN SPACE: 20%

MIN. FORMAL O.S.: 5%

*PLANS TO ADHERE TO GATEWAY DESIGN OVERLAY CRITERIA AND MURFREESBORO DESIGN GUIDELINES



OVERVIEW - C-4



The proposed C-4 area is intended to allow for a continuation of the outparcel development pattern that is established in the C-2 and C-3 areas along the veterans parkway frontage and along the Northshore drive realignment with the same architecture and site design commitments. The proposed addition of hospital to be a permitted use would strengthen consistency in used between C-4 and C-5 and create a more favorable condition for medical related uses.



OVERVIEW - C-5

COMMERCIAL AREA C-5	
PERMITTED USES	
• AGE RESTRICTED RESIDENTIAL	◦ AT LEAST 80% OF THE OCCUPIED UNITS INCLUDE AT LEAST ONE RESIDENT WHO IS VERIFIED TO BE OVER THE AGE OF 55, AND THE COMMUNITY FOLLOWS A POLICY THAT DEMONSTRATES AN INTENT TO PROVIDE HOUSING FOR THOSE AGED 55 OR OLDER.
• ASSISTED LIVING	◦ A BUILDING, ESTABLISHMENT, COMPLEX, OR
• HOSPITAL	
• INDEPENDENT LIVING	◦ PROVIDE RESIDENCE WITH ACCESS TO DINING, MEDICAL CARE, ENTERTAINMENT, AND OTHER ASSISTANCE AS NEEDED WHILE STILL PROVIDING AN INDEPENDENT LIVING ENVIRONMENT.
• MEDICAL OFFICES	
• OFFICES	
RESIDENTIAL (NOT DEVELOPED FOR RENTAL UNITS):	
• TOWNHOME (MAX. 3 STORY)	
• MULTI-FAMILY STACKED FLATS (MAX. 3 STORY)	
• SINGLE FAMILY ATTACHED OR DETACHED	

*PLANS TO ADHERE TO GATEWAY DESIGN OVERLAY CRITERIA AND MURFREESBORO DESIGN GUIDELINES

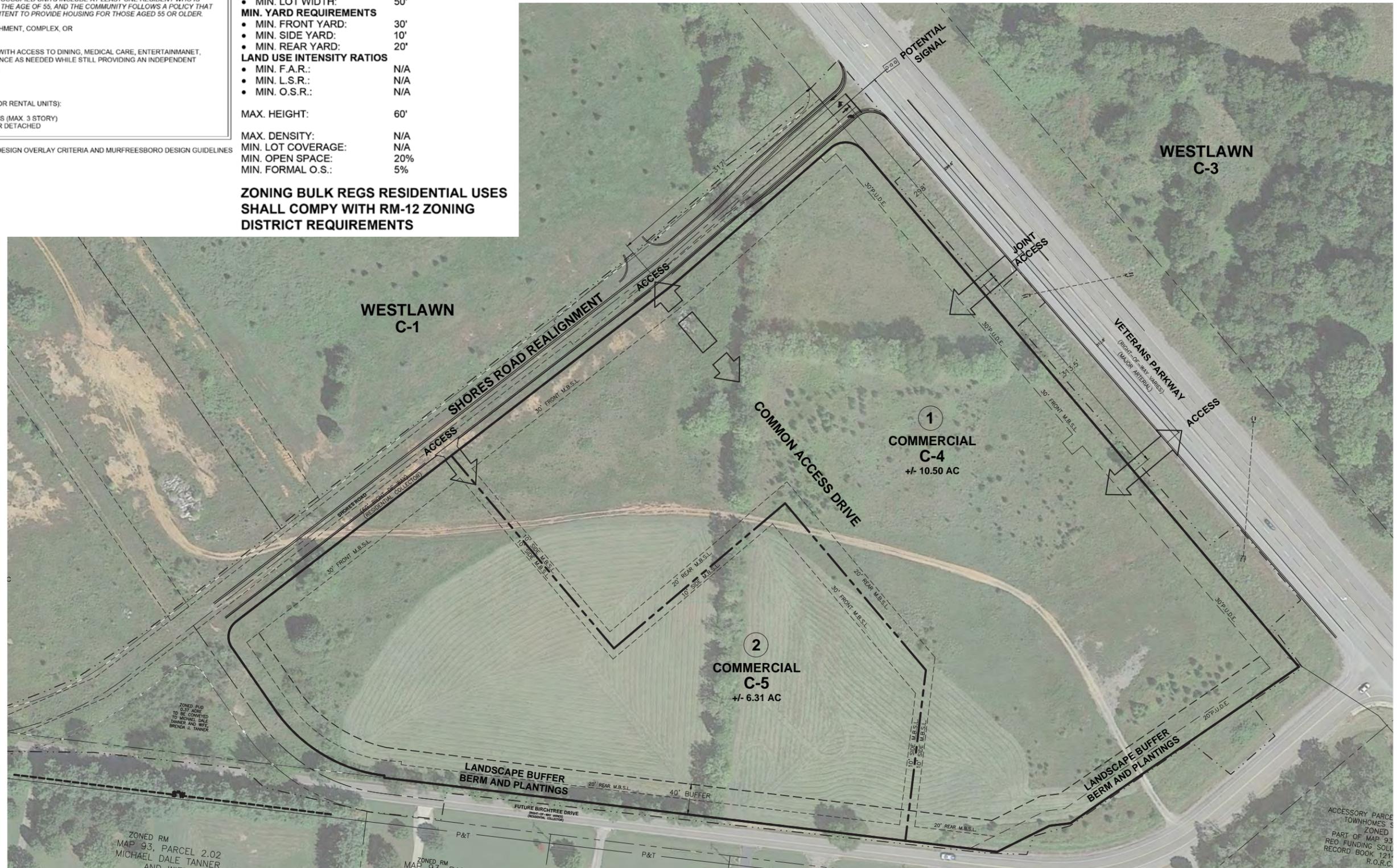
ZONING BULK REGS COMMERCIAL USES:

- MIN. LOT REQUIREMENTS**
- MIN. LOT AREA: N/A
 - MIN. LOT WIDTH: 50'
- MIN. YARD REQUIREMENTS**
- MIN. FRONT YARD: 30'
 - MIN. SIDE YARD: 10'
 - MIN. REAR YARD: 20'
- LAND USE INTENSITY RATIOS**
- MIN. F.A.R.: N/A
 - MIN. L.S.R.: N/A
 - MIN. O.S.R.: N/A

MAX. HEIGHT: 60'

- MAX. DENSITY: N/A
- MIN. LOT COVERAGE: N/A
- MIN. OPEN SPACE: 20%
- MIN. FORMAL O.S.: 5%

ZONING BULK REGS RESIDENTIAL USES SHALL COMPLY WITH RM-12 ZONING DISTRICT REQUIREMENTS



OVERVIEW - C-5



The proposed C-5 is intended to act as a transition from the more commercial focused development to the residential area to the west. This will be achieved by allowing less intense commercial uses along the C-4 section, and going to higher density residential uses targeted towards senior living and care. The residential section allows townhomes, multi-family stacked flats, and single family attached and detached homes. Not developed for rental units.



Example of Medical Office Building



Example of Medical Office Building



Example of Age Restricted Townhome, 2 Story



Example of Age Restricted Townhome, 2 Story



Example of Age Restricted Townhome, 3 Story



Example of Assisted Living Building



Example of Age Restricted Single Family Attached



Example of Independent Living Building





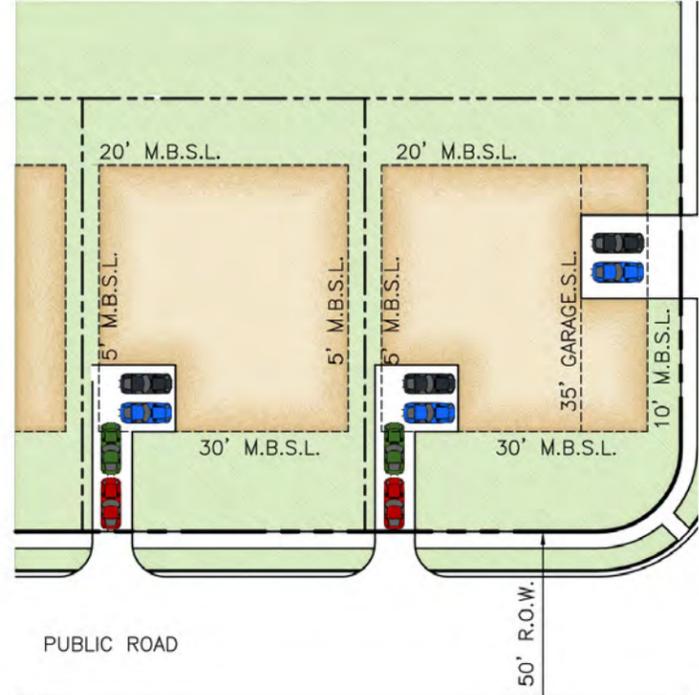
PRODUCT DESIGN - SINGLE FAMILY HOME



SETBACK DATA:

85' PRODUCT

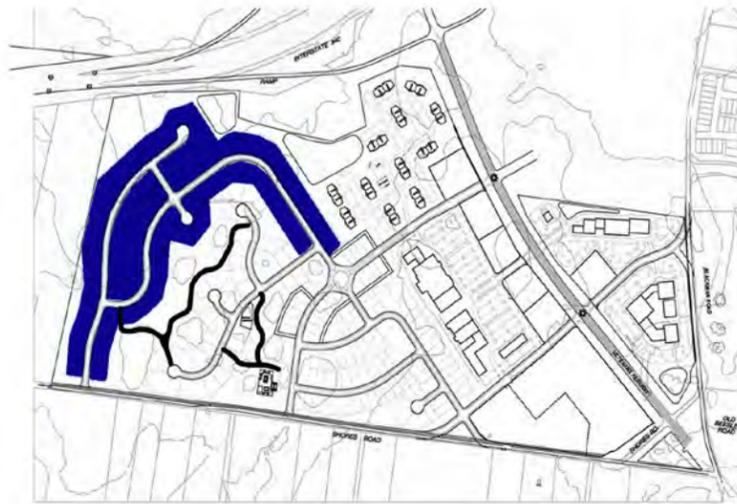
Overall Lot Dimensions	85' x 130'
Lot Width (at setback)	85'
Lot Depth	130'
Front Yard Setback	30'
Side Yard Setback	5'
Corner Side Yard Setback	10'
Porches	May extend into Front & Side Setback



THE NEIGHBORHOODS



PRODUCT DESIGN - SINGLE FAMILY HOME

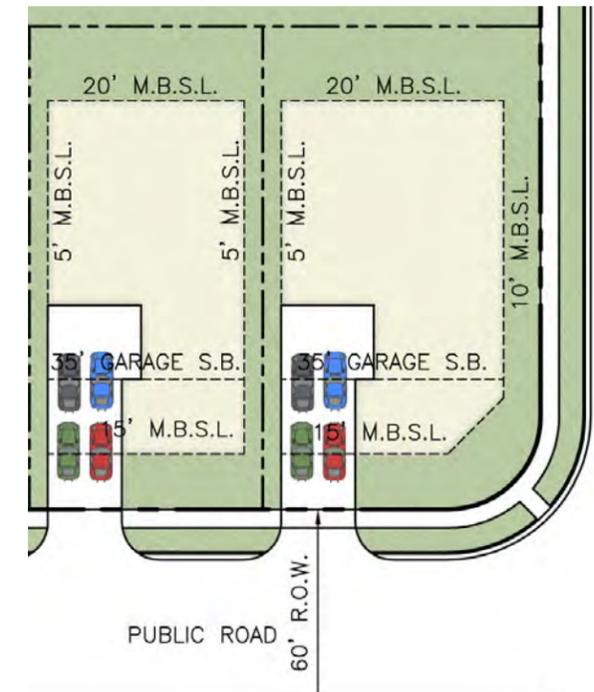
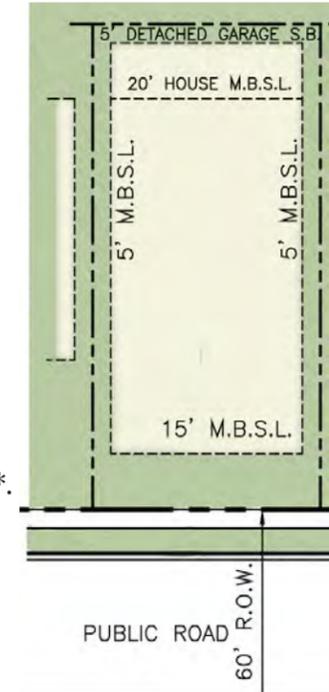


SETBACK DATA:

63' PRODUCT

Overall Lot Dimensions	63' x 130'
Lot Width (at setback)	63'
Lot Depth	130'
Front Yard Setback	15'
Side Yard Setback	5'
Rear Yard	20' For house, 5' for detached garage option*
Corner Lot Side Yard Setback	10'
Porches	May extend into Front & Side Setback
Garage Setback	Garage doors shall be a minimum of 35' from right of way.

* 5' detached garage setback subject to determination of existence of any public utility and drainage easements.



Detached garage option Front loaded garage option



Front loaded garage option



Front loaded garage option



Detached garage option



PRODUCT DESIGN - SINGLE FAMILY HOME



SETBACK DATA:

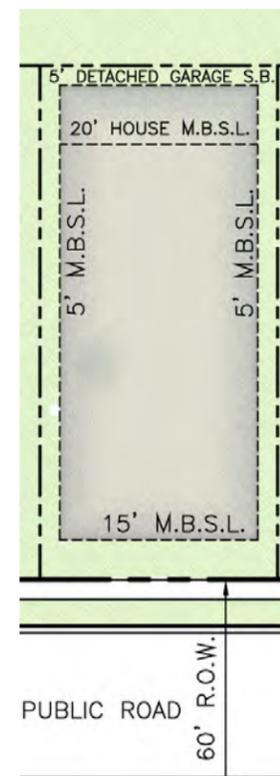
60' PRODUCT

- Overall Lot Dimensions 60' x 130'
- Front Yard Setback 15'
- Side Street Setback 10'
- Side Yard Setback 5'
- Rear Yard Setback 20' For house, 5' for detached garage option*

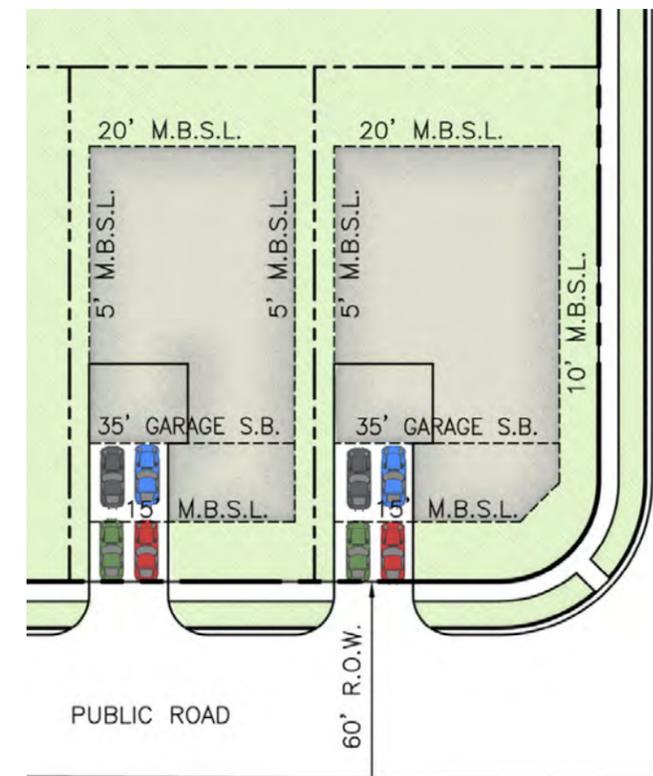
- Corner Lot Side Yard Setback 10'
- Garage Setback Face of garages shall be 35' from right of way.

- Porches May extend into Front & Side Setback

* 5' detached garage setback subject to determination of existence of any public utility and drainage easements.



Detached garage option



Front loaded garage option

THE NEIGHBORHOODS



Front loaded garage



Detached garage option



Front loaded garage



Front loaded garage



PRODUCT DESIGN - SINGLE FAMILY ALLEY LOADED HOMES



SETBACK DATA:

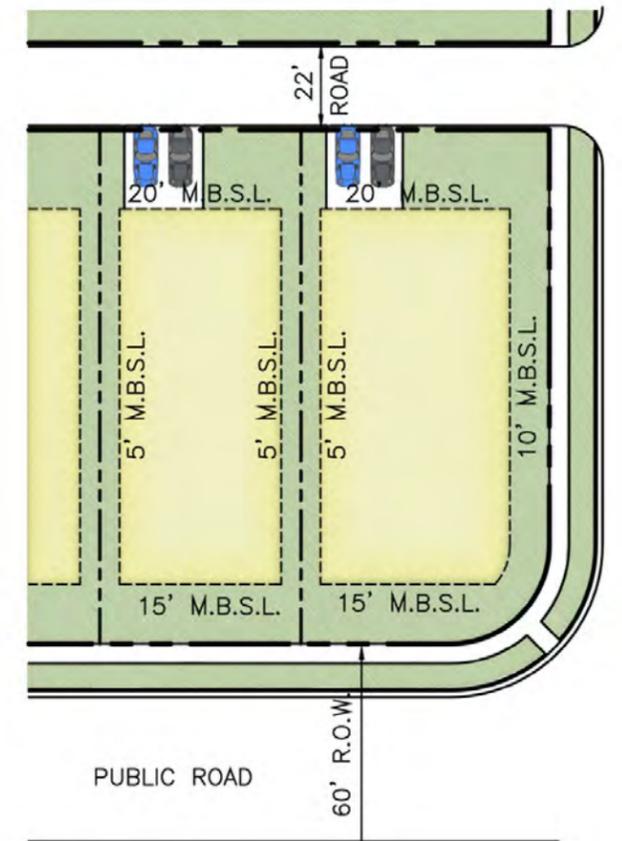
51' PRODUCT

Overall Lot Dimensions
 Front Yard Setback
 Side Street Setback
 Side Yard Setback

Rear Yard Setback
 Garage Setback

Porches

51' x 130'
 15'
 10'
 Minimum setback for all structures is 5'.
 Houses must be 10' apart.
 20'
 Face of garages shall be 20' from alley of way.
 May extend into Front & Side Setback



PRODUCT DESIGN - MULTI-FAMILY



Architectural palette will be submitted for review and approved through the GDO process. Materials will adhere to the standards established as part of the GDO district.





WESTLAWN

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
MAY 6, 2020**

4.b. Proposed amendments to the Zoning Ordinance [2020-803] to Section 26: Off-Street Parking, Queuing, and Loading, regarding off-site parking agreements, joint parking agreements, and other miscellaneous items, City of Murfreesboro Planning Department applicant.

In this request, Staff brings to the Planning Commission for its consideration proposed amendments to the Zoning Ordinance pertaining to *Section 26: Off-Street Parking, Queuing, and Loading*. See below for additional detail.

Off-Site and Joint Parking Agreements:

Over the course of the last several months, it has become clear to Staff that the subsections of Section 26 pertaining to off-site parking agreements are in need of improvements. At a time when an increased demand for downtown infill development appears to warrant more flexible parking solutions, the current standards make it difficult to implement such off-site parking arrangements. Specifically, it requires that off-site parking used to meet minimum parking requirements be on property that is in the same ownership as the property seeking the additional parking. This eliminates the majority of potential off-site parking agreements, because the off-site parking area is typically under different ownership. The Planning and Legal Departments have worked to improve these provisions so that they will be easier to administer and more effective in the long run, including not requiring the location of the proposed off-site parking area to be under the same ownership as the property seeking the additional parking.

Garage Parking Spaces:

In recent years, we have seen more townhouse developments utilizing garages and driveways to address minimum parking requirements instead of traditional parking lots. While there is more flexibility with townhomes in planned development zoning to allow garage parking to be counted toward the development's minimum parking requirements, there is currently less clarity with regards to this issue for townhome developments in bulk zoning districts. Staff does not want to discourage townhome developments from having units with garages. Allowing garage parking spaces to count toward the minimum parking requirements in certain bulk zones will remove a roadblock for developers to including garages in single-family attached developments. However, Staff is attempting to balance this desire to encourage garages with some practical

requirements to make sure that the garages are of adequate size to house vehicles and also to make sure that the garages are to be used for vehicular parking. On a related note, the Zoning Ordinance already makes provisions for garage parking spaces in multi-family developments, such as apartment complexes, to count toward the minimum parking requirements. Similar to single-family attached uses, however, Staff proposes amending the ordinance to add minimum size and use restrictions for garages in multi-family developments.

Parking Stall Size:

Chart 3 of the Zoning Ordinance sets forth the minimum dimensions of parking stalls and access aisles. The dimensions are dependent on the angle of the parking stall. Each angle has options for 9'-wide stalls and 8.5'-wide stalls. There is currently no cap on the maximum number of the narrower 8.5'-wide spaces in a given parking lot. While flexibility is desirable to allow for some narrower stalls, Staff has concerns about excessive amounts of the narrower parking stall option being utilized. Staff proposes that the ordinance be amended to allow for a maximum of 20% of the total number of parking spaces to be 8.5' in width. However, Staff understands the need to allow for greater flexibility for infill development in and around the downtown area, so an exemption to the 20% cap is proposed for the City Core Overlay District.

Miscellaneous:

In addition to the aforementioned revisions, Staff also proposes some other additional miscellaneous revisions to Section 26. These additional revisions include, but are not limited to, correcting certain outdated terminology, clarifying how parking is to be determined for outdoor dining areas at restaurants and other similar uses, and requiring that continuous curbing be provided around parking lots and parking lot expansions in order to protect landscaping and other site elements. Because there are numerous proposed amendments within Section 26, Staff proposes deleting Section 26 in its entirety and replacing it with version included in the agenda packet.

Action Needed:

The Planning Commission will need to conduct a public hearing on this matter, after which it will need to discuss the matter and then formulate a recommendation to City Council.

SECTION 26. OFF-STREET PARKING, QUEUING, AND LOADING.

(A) *Purpose.* The off-street parking, queuing, and loading requirements and the regulations of such parking, queuing, and loading set forth in this section are designed to alleviate and prevent congestion in the streets.

(B) *Application of regulations.*

(1) *Effective Date:* The effective date of this Section 26 shall be September 11, 2009.

(2) *Existing, new, changed, and expanded uses.*

(a) No building, structure, or use lawfully established prior to the effective date of this section shall be required to comply with the provisions of this section except as hereinafter provided.

(b) All buildings and structures erected and uses established after the effective date of this section shall comply with the provisions of this section, provided, however, that if a building permit was issued prior to the effective date of this section and construction is begun within one year of the date of such permit, the parking and loading regulations in effect on the date such permit was issued shall apply.

(c) If any building or structure is increased by the addition of dwelling units, gross floor area, seating capacity, or any other measure of increased parking intensity as measured by Chart 4 after the effective date of this section, the provisions of this section shall only apply to the extent of such increase.

(d) If the existing use of a building or structure shall be changed to a new use, as measured by Chart 4, such new use shall comply with the provisions of this section; provided, however, that if the existing use is located in a building or structure existing on the effective date of this section, additional parking, queuing, or loading requirements shall be required only in the amount by which the requirements for the new use exceed the amount required for the existing use if such existing use were subject to the provisions of this section.

(e) Any conforming or legally nonconforming building, structure, or use which is in existence on the effective date of this section, which is subsequently damaged or destroyed and thereafter reconstructed, re-established or repaired may

maintain the same amount of parking and loading which existed on the date of the damage or destruction, provided, however, if such damage or destruction exceeds seventy-five percent (75%) of the value of such building, structure or use, then the parking, queuing, and loading requirements of this section shall apply.

(f) Upon the effective date of this section no existing parking space, parking lot, queuing space, or loading space shall be reduced in size or number below the requirements of this section.

(3) *CBD district exemption.* The provisions of this section shall not apply to any building, structure, or use located in the CBD zoning district.

(C) Regulations Applicable to Parking Spaces and Parking Lots

(1) *Location of required parking spaces.* Except as may otherwise be provided in this article, the off-street parking spaces required by this section shall be located as provided in this subsection (C). Where a distance is specified, such distance shall be measured from the nearest point of the parking lot to the nearest point of the building structure or uses served by such parking lot.

(a) *Single-family attached, single-family detached, and duplex residential uses.*

[1] Required parking spaces shall be located on the same lot as the structure to which they are accessory.

[2] Access to one parking space through another parking space is permitted provided that the lot does not front upon a street identified as a major arterial, minor arterial, or collector street in the Murfreesboro Major Transportation Plan as adopted and as may be amended from time to time.

[3] Four required parking spaces per dwelling unit may be located in the required front yard provided that the lot does not front upon a street identified as a major arterial, minor arterial, or collector street in the Murfreesboro Major Transportation Plan as adopted and as may be amended from time to time.

[4] Lots that front upon a street identified as a major arterial, minor arterial, or collector street in the Murfreesboro Major Transportation Plan as adopted and as may be amended from time to time shall have parking located to the

side or rear of the proposed structure, shall be permitted to have no more than one required parking space in the required front yard, and shall have the parking designed such that backing into the street is not required in order to exit the on-site parking. Provided further that backing from the street in order to gain access to required parking is prohibited.

- [5] Parking spaces within garages, whether attached to or detached from the principal structure, shall not be considered as required parking spaces for the purposes of this section. However, within the RM-12, RM-16, RS-A, Type 1, RS-A, Type 2, and RS-A, Type 3 zones parking spaces within garages for single-family detached and single-family attached structures may be considered as required parking for purposes of this section provided such spaces are restricted to use only for parking of automobiles (and not for the parking or storage of boats, recreational vehicles, trailers, equipment, household items, or any other items), and that such restriction is reflected in a legal instrument or instrument(s) in form suitable for recording and approved by the Director and the City Attorney. Where parking spaces within garages have been approved to meet minimum parking requirements, the interior of two-car garages from wall to wall shall have minimum dimensions of 22 ft. wide by 22 ft. deep and the interior of one-car garages from wall to wall shall have minimum dimensions of 12 ft. wide by 22 ft. deep. Where parking spaces in garages have been approved to meet minimum parking requirements as a function of site plan approval or permit review, the use of such parking spaces for any other purpose shall be considered a violation of this article.

(b) *Multi-family residential, and nonresidential uses.*

- [1] Required parking spaces shall be located on the same lot or, if located off-site, on land within five hundred feet of the building, structure or use served; provided that such off-site parking complies with the following requirements:
- [i] Such off-site parking spaces are located within a zoning district which would permit the use to which such parking is accessory,

[ii] The person proposing the use of off-site parking to meet the required off-street parking spaces files a written application with the Director setting forth the following information:

(a) the names, addresses, telephone numbers and other contact information for the applicant and the owner of land proposed for off-site parking;

(b) the uses which will utilize and which will provide the proposed off-site parking spaces, the number of parking spaces required by Chart 4 for each use, the number of off-site parking spaces to be provided, and evidence the number of parking spaces to be provided are surplus and will not create a parking deficit for the use providing the off-site parking spaces; and

(c) any other information required by the Director as reasonably necessary in order to make a determination in the matter.

[iii] Within thirty (30) days after a complete application is filed, the Director shall determine whether utilization of the proposed off-site parking spaces will be allowed and shall so notify the applicant in writing.

[iv] The provisions of the approved off-site parking arrangement shall be incorporated into a written agreement signed by both parties that will remain in place until either [i] business circumstances justify modification or elimination of the arrangement or [ii] alternative parking arrangements are provided, which modification, elimination, or alternative arrangements must be approved by the Director. The agreement must be in form suitable for recording and approved by the Director and the City Attorney before it becomes effective. Premature termination or unauthorized modification to the terms of the approved agreement shall be considered a violation of this article.

[2] Parking spaces or access aisles for parking spaces of multi-family dwellings located in the RM-12 and RM-16 districts shall not be located within a required front yard.

[3] Vehicles used in connection with a non-residential use for deliveries or transportation of patrons or tenants, and referred to as business vehicles for purposes of this section, may be parked on-site, provided that space(s) for parking for such business vehicles shall not count towards required parking. The number of required spaces for business vehicles shall be as provided in Chart 4 REQUIRED OFF-STREET PARKING AND QUEUING SPACES BY USE.

(2) Computation of required parking spaces.

- (a) When computation of the number of required parking spaces results in a fractional space, any fraction up to and including one-half ($\frac{1}{2}$) shall be disregarded and fractions over one-half ($\frac{1}{2}$) shall require one parking space.
- (b) When parking spaces are computed on the basis of the number of employees or students, the maximum number present at any one time shall govern.
- (c) In determining the minimum number of parking spaces required under this article, accessible parking spaces required under state or federal law shall not be considered.
- (d) Parking spaces within garages for multi-family structures may be considered as required parking for purposes of this section provided such spaces are used only for parking of automobiles (and not for the parking or storage of boats, recreational vehicles, trailers, equipment, household items, or any other items), and that such spaces shall be included in the leases for individual units and shall not be leased separately. In addition, a written commitment from the developer must be provided at the time of site plan approval stating that the garages will be managed to ensure that the garages will be used as required above. Where parking spaces in garages have been approved to meet minimum parking requirements, the interior of two-car garages from wall to wall

shall have minimum dimensions of 20 ft. wide by 20 ft. deep and the interior of one-car garages from wall to wall shall have minimum dimensions of 12 ft. wide by 20 ft. deep. Where parking spaces in garages have been approved to meet minimum parking requirements, the use of such parking spaces for any other purpose shall be considered a violation of this article. Parking spaces within garages for multi-family residential structures that are also classified as single-family attached residential structures (e.g., townhomes) shall be regulated by Section 26(C)(1)(a)[5] of this article.

- (e) For purposes of determining the number of required parking spaces for a Specialty Restaurant or a Limited-Specialty Restaurant located as a tenant in a retail center with multiple tenants such use shall be considered as a Retail Shop, provided however, that the number of queuing spaces for a drive-up window shall be 10 queuing spaces for each drive-up window associated with the use.
- (f) Parking spaces shall be provided in accordance with the ratios set forth in Chart 4, Required Off-Street Parking and Queuing Spaces by Use, for all outdoor dining areas for the following uses, irrespective of whether or not they are located in a multi-tenant building:
 - bar or tavern;
 - restaurant, night club, tavern or cocktail lounge;
 - restaurant, drive-in;
 - restaurant, specialty;
 - restaurant, specialty-limited;

Such parking spaces shall be in addition to the number of parking spaces required for the building itself.

- (c) *Non-residential uses; joint use of required parking spaces.* Joint use of up to one hundred percent (100%) of required off-street parking spaces shall be permitted for two or more uses located in the same or different buildings or structures, whether or not located on the same lot or parcel, and whether or not under the same ownership, subject to the following requirements:

- (a) the lots or parcels are adjacent or within five hundred feet of each other and the zoning of both allows the uses that will utilize the proposed joint parking arrangement; and,
- (b) the persons proposing the joint use of required off-street parking spaces file a joint written application with the Director setting forth the following information:
 - [1] the names, addresses, and telephone numbers of the applicants;
 - [2] the ownership and location of the off-street parking spaces proposed to be jointly used;
 - [3] the uses which will jointly use the required off-street parking spaces, the hours of operation of each such use, the number of parking spaces required for each use, and the number of required parking spaces proposed to be jointly used; and,
 - [4] any other information required by the Director reasonably necessary in order to make a determination in this matter.
- (c) Within thirty (30) days after such complete application is filed, the Director shall determine whether such joint use of required off-street parking spaces will be allowed, and shall in writing notify the applicants thereof.
- (d) The provisions of the approved joint use arrangement shall be incorporated into a written agreement that will remain in place until either [i] business circumstances justify modification or elimination of the arrangement or [ii] alternative parking arrangements are provided, which modification, elimination, or alternative arrangements must be approved by the Director. The agreement must be in form suitable for recording and approved by the Director and the City Attorney before it becomes effective. Premature termination or unauthorized modification to the terms of the approved agreement shall be considered a violation of this article.

(4) *Regulations applicable to parking voluntarily established.* Any parking spaces, parking areas, parking aisles, parking lots, or maneuvering areas established,

whether required by this section or not, shall comply with the provisions of this section as regards design and construction.

(5) *Prohibition of using parking spaces for another use.* Any land designated for required off-street parking shall not be used for any other purpose, including but not limited to the display and/or storage of equipment, materials, or products for sale, until alternate or replacement off-street parking spaces are established for the building, structure, or use served by the parking spaces located on such land.

(6) Dimensions of parking spaces and aisles.

(a) *Dimensions of non-accessible off-street parking spaces.* Non-accessible off-street parking spaces shall be of the dimensions as shown on Chart 3 of this article, provided that, except in the City Core Overlay District, no more than twenty (20%) percent of the total number of on-site non-accessible parking spaces provided shall be 8.5 ft. in width.

(b) *Dimensions of accessible off-street parking.* Accessible parking spaces shall be designed in accordance with the accessibility code then in effect in the State of Tennessee.

(7) *Design standards.* Parking lots shall be designed, constructed, and maintained in accordance with the following minimum standards and requirements:

(a) The design requirements for non-accessible parking spaces and aisles located within a parking lot are set forth on Chart 3. Subject to compatibility with overall access and circulation configuration, the applicant for permits and approvals required by this section shall choose any one of the parking angles and stall widths for such spaces as are indicated on Chart 3, provided that, except in the City Core Overlay District, no more than twenty (20%) percent of the total number of on-site non-accessible parking spaces provided shall be 8.5 ft. in width. The regulations opposite such parking angle and stall widths shall apply to the development of the parking lot.

(b) Parking lots, loading spaces, and maneuvering areas shall be surfaced with asphalt, concrete, or other hard surface dustless material and be so constructed to provide for adequate drainage and prevent the release of dust into the atmosphere and sediment into the storm drainage system in

accordance with applicable codes and standards. Gravel and bituminous surface treatment may be permitted for wrecker service storage yards or areas used for materials or equipment storage, only after approval from the Development Services Division.

- (c) Parking lots and maneuvering areas shall be designed, landscaped, and screened in accordance with the requirements of Sections 24 and 27 of this article (Appendix A – Zoning).
- (d) Continuous curbing shall be provided around all parking lots or parking lot expansions in order to protect landscape areas and other site elements.
- (e) Lighting used to illuminate off-street parking lots shall be sufficient so as to provide for the safety and security of motorists and pedestrians and shall be so arranged to prevent direct glare onto any public or private property or streets in accordance with applicable codes and standards.
- (f) The design requirements for accessible parking spaces and aisles located within a parking lot shall be as required in the accessibility code then in effect in the State of Tennessee.
- (g) Parking lots shall be designed so that backing into any queuing lanes or queuing spaces for drive-thru windows or other drive-thru/drive-up elements of a site shall not be necessary in order to exit parking spaces.

(8) *Number of parking spaces.*

- (1) The number of non-accessible parking spaces required for specific uses is set forth on Chart 4; the number of accessible parking spaces shall be as set forth in the accessibility code then in effect in the State of Tennessee.
- (2) In single-family residential and duplex zoning districts, no more than six parking spaces per dwelling unit, excluding parking spaces within garages, shall be allowed.
- (3) For uses not expressly listed on Chart 4, parking spaces shall be provided on the same basis as required for the most similar listed use, as determined by the Planning Director pursuant to the Director's authority to interpret the provisions of this article (Appendix A – Zoning).

(2) For special permit uses requiring approval by the Board of Zoning Appeals, the BZA may require more parking than the minimum requirements of this section.

(D) Regulations applicable to off-street queuing and drive-up/drive-thru lanes.

(1) *Location of required queuing spaces and drive-up/drive-thru lanes.* Queuing spaces and drive-up/drive-thru lanes shall be located on the same lot as the use, building, or structure to which they are accessory and shall not extend onto any adjacent lot or into any public right-of-way. No queuing space or drive-up/drive-thru lanes shall be located in a required front yard.

(2) *Designation and use.* Required queuing spaces or the drive-up/drive-thru lanes to which they are accessory shall be designated as such and shall only be used for queuing or drive-up/drive-thru purposes.

(3) *Computation of the number of required queuing spaces.*

The number of required queuing spaces required for specific uses is set forth on Chart 4. For uses not expressly listed on Chart 4, queuing spaces shall be provided on the same basis as required for the most similar listed use, as determined by the Planning Director pursuant to the Director's authority to interpret the provisions of this article (Appendix A – Zoning). For special permit uses requiring approval by the Board of Zoning Appeals, the BZA may require more queuing than the minimum requirements of this section.

(4) *Regulations applicable to queuing spaces and drive-up/drive-thru lanes voluntarily established.* Any queuing space or drive-up/drive-thru lane, whether required by this section or not, shall comply with the provisions of this section as regards design and construction.

(5) *Design standards.*

(a) Drive-up/drive-thru lanes that are accessory to buildings with drive-up windows or drive-up tellers shall be designed to circulate one-way in a counterclockwise direction.

(b) Queuing spaces and drive-up/drive-thru lanes shall be designed so that their use does not conflict with the use of on-site parking spaces, other site elements, or on-site circulation.

- (c) Drive-up/drive-thru lanes that are accessory to buildings with drive-up windows shall be designed to include a one-way by-pass lane available to users should they seek to remove themselves from the drive-up/drive-thru lane.
- (d) Drive-up/drive-thru lanes that are accessory to a building with drive-up windows or other such facilities shall be designed with a landscape area between the drive-up/drive-thru lanes and the building to which it is accessory except on the side of the building that contains the drive-up window or other such facility. This area shall be planted with shrubs and trees in accordance with Section 27 of Appendix A – Zoning. The landscape area may be used for menu boards to the extent otherwise permitted by this article and other regulations of the City.
- (e) Queuing spaces shall be a minimum of ten (10) feet in width and a minimum of twenty (20) feet in length. Drive-up/drive thru lanes shall be a minimum of ten (10) feet wide. A one-way by-pass lane shall be a minimum width of eleven (11) feet wide.

(E) Regulations applicable to off-street loading.

- (1) *Location of required loading spaces.* Loading spaces shall be located on the same lot as the building or structure to which they are accessory. No loading space shall be located in a required front yard.
- (2) *Designation and use.* Each required loading space shall be designated as such. A loading space may be used for other purposes provided it is available as a loading space when needed for such use.
- (3) *Computation of the number of required loading spaces.*
 - (a) In the computation of the number of required loading spaces, floor area shall be deemed to include the gross area of the floor area devoted to a particular use and any use incidental thereto, which floor area shall be measured along the interior faces of the walls or partitions which surround the perimeter of the space the use occupies.
 - (b) If a building is devoted to more than one use, the number of loading spaces required shall be computed separately on the basis of the floor area occupied by each such use.
- (4) *Loading; design and maintenance.*

(a) *Dimensions.* Required off-street loading spaces shall not be less than ten feet in width and shall have an unobstructed vertical clearance of not less than fourteen feet. The minimum length of loading spaces shall be fifty feet.

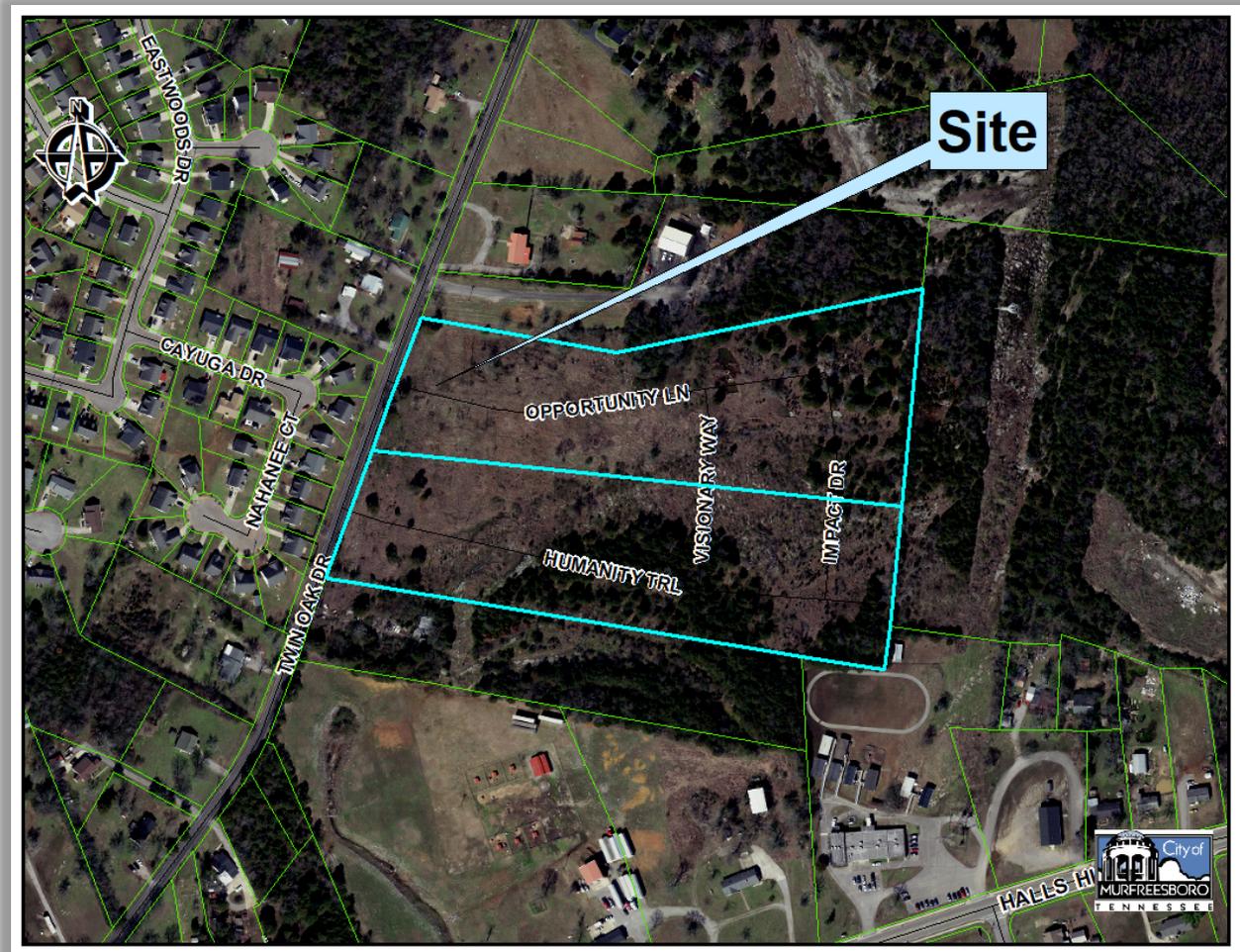
(b) *Surfacing and drainage.* Loading spaces and maneuvering areas related thereto shall be surfaced with asphalt, concrete, or other hard surface dustless material and be so constructed to provide for adequate drainage and to prevent the release of dust.

(5) *Required number of loading spaces.* The number of loading spaces required for specified categories of uses is set forth on Chart 5.

[Ord. No. 92-3 §§1–4, 01-15-92; Ord. No. 96-O-82 §1, 11-12-96; Ord. No. 99-O-66 §§8–10, 08-24-00; Ord. No. 09-O-29 §3, 08-27-09; Ord. No. 12-O-30 §1, 11-15-12; Ord. No. 14-O-61 §4, 01-15-15; Ord. No. 15-O-25 §3, 05-14-15; Ord. No. 17-O-25 §9, 08-17-17; Ord. No. 17-O-39 §3, 08-31-17; Ord. No. 18-O-31 §2, 06-21-18; Ord. No. 18-O-53 § 5, 09-27-18]

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
MAY 6, 2020**

- 5.a. Mandatory Referral [2020-709] for installation of irrigation lines in public right-of-way in the Legacy Pointe development, Mr. Matt Taylor (on behalf of Rutherford County Area Habitat for Humanity) applicant.**



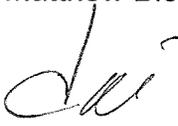
Legacy Pointe is a single-family residential development located along the east side of Twin Oak Drive. It is currently under development but the final plat has not yet been recorded. It is zoned RS-6 (Single-Family Residential District) and will consist of single-family detached homes on individual lots of record. In this mandatory referral, the Planning Commission is being asked to consider allowing an irrigation line in the proposed public right-of-way of Opportunity Lane within this development, so that the common areas on both sides of the street can be irrigated. If approved, the developer will enter into a license agreement with the City pertaining to this irrigation line. A similar mandatory referral was approved for

the Blackman Station development located along the south side of Manson Pike. Additional information from the applicant can be found in the agenda packet. In addition, a memo from Deputy City Attorney David Ives with further explanation has been included as well.

The Planning Commission will need to consider this request and then formulate a recommendation to the City Council.



**MEMORANDUM
CITY OF MURFREESBORO
LEGAL DEPARTMENT**

TO: Chair Jones and Members of the Planning Commission
CY: Greg McKnight, Matthew Blomeley
FROM: David A. Ives 
DATE: April 20, 2020
RE: Installation of Irrigation Facilities under City Streets

MANDATORY REFERRAL

In order to provide irrigation facilities in common area landscaping, the developer of Legacy Point Subdivision on Twin Oaks Drive has requested a License from the City for installation of a sleeve in the right of way, under Opportunity Lane at its intersection with Twin Oak Drive, in the development

The developer has agreed to enter into a License Agreement containing substantially the same terms and conditions as other License Agreements allowing irrigation and other such facilities in the ROW.

A copy of the proposed License Agreement, with drawings depicting the subdivision and the location of the irrigation sleeve is attached.

I will be happy to answer any questions.



City of Murfreesboro
Mandatory Referral Application

111 W Vine Street • Murfreesboro, TN 37130 • 615-893-6441

Mandatory Referral Fees:

Table with 2 columns: Fee Description and Amount. Row 1: Mandatory Referral, INCLUDING abandonment of right-of-way... \$350.00. Row 2: Mandatory Referral, NOT INCLUDING abandonment of right-of-way... \$150.00.

Property Information:

Map 90 Parcels 22.00 & 22.02

Tax Map/Group/Parcel: Address (if applicable): Along Twin Oak Drive

Street Name (if abandonment of ROW):

Type of Mandatory Referral: License Agreement for Installation & Maintenance in R.O.W.

Applicant Information:

Name of Applicant: Matt Taylor on behalf of Rutherford County Area Habitat for Humanity, Inc

Company Name (if applicable): Rutherford County Area Habitat for Humanity, Inc

Street Address or PO Box: 850 Middle TN Blvd

City: Murfreesboro

State: TN Zip Code: 37129

Email Address: mtaylor@sec-civil.com

Phone Number: 615-890-7901

Required Attachments:

- [X] Letter from applicant detailing the request
[X] Exhibit of requested area, drawn to scale
[] Legal description (if applicable)

Handwritten signature in red ink

Handwritten date 4/15/2020 in red ink

Applicant Signature

Date

April 15, 2020

Mr. Matthew Blomeley
Murfreesboro Planning & Engineering Dept
111 W. Vine St
Murfreesboro, Tennessee 37130

RE: Legacy Pointe
License Agreement for Installation &
Maintenance in Right-of-Way Request
Murfreesboro, Tennessee

Dear Mr. Blomeley:

Please accept this as our formal request for the City of Murfreesboro to grant Rutherford County Habitat for Humanity a License Agreement for Installation and Maintenance in Right-of-Way. This request will allow for one (1) irrigation sleeve to cross opportunity Lane in the Legacy Pointe development. Furthermore, the attached exhibits highlight the areas.

This right-of-way is proposed and will be platted with the Legacy Pointe project. The sleeve will be installed as a normal part of construction for the development and will not require any road closures.

If you should have any questions concerning this letter, please feel free to call me at (615) 890-7901 or via email at mtaylor@sec-civil.com

Sincerely,



Matt Taylor, P.E.
Vice-President
SEC, Inc

**Prepared by and to be
Returned to after recording to:**

David A. Ives, Asst. City Attorney
111 West Vine Street
Murfreesboro TN 37130

Tax Map 90 Parcels 22.00, and 22.02

LICENSE AGREEMENT FOR INSTALLATION AND MAINTENANCE IN ROW

The **CITY OF MURFREESBORO**, a municipal corporation located in Rutherford County, Tennessee ("City"), and **Rutherford County Area Habitat for Humanity, Inc.**, its successors and assigns ("Owner") agree as follows:

RECITALS

A. Owner owns approximately 17.87 acres of real property being developed as Legacy Pointe located to the east of Twin Oaks Drive in the City of Murfreesboro, Tennessee (as depicted on attached **Exhibit A**, the "Property"). The Final Plat of the Property is of record at Plat Cabinet ____ pg _____, RORC.

B. Owner desires to construct, install and maintain an irrigation system and related facilities (altogether, "Facilities") for the benefit of the Property within the ROW of Opportunity Lane at the intersection with Twin Oaks Drive (substantially as shown on **Exhibit B**), and all as is shown or will be shown on Landscaping Plans on file with the Planning Department, which Facilities may also be within water, sanitary sewer, drainage, and / or utility easements which have been or will be created (all such right-of-way and easements together and separately, as applicable, the "ROW").

AGREEMENT

NOW, THEREFORE, in consideration of the premises, the mutual promises made herein, the mutual benefits to be derived herefrom, and other good and valuable consideration, the receipt and sufficiency of which is hereby irrevocably acknowledged and confirmed, the parties hereto agree as follows:

1. City consents to the installation and maintenance of the Facilities within the ROW, including the installation and maintenance of water lines for the irrigation system under the ROW, provided that Owner shall submit a Landscaping Plan to the City Planning Department for its review and approval prior to beginning any installation. The Landscaping Plan shall include detailed construction plans and methods for the location and depth of the Facilities, along with proposed methods for and protection of and separation from existing utilities. Upon approval by the Planning Department and the City Engineer, the City will issue an Installation Permit to Owner and Owner will be authorized to begin work.

(a) Owner will install utility vaults or boxes on each side of the ROW as visual evidence of the location of the Facilities.

(b) Owner will provide an “as built” survey to the City promptly after completion of construction and will cause the locations to be listed with Tennessee One Call.

(c) Except in the event of an emergency, Owner will apply for and receive an appropriate ROW Work Permit from the City Engineer prior to undertaking any future repairs or modifications within the ROW or any City Easement. In the event of an emergency, Owner will so notify the City Engineer and will apply for a ROW Work Permit as soon as reasonably practical, but in any event now more than 72 hours after the event.

2. Owner agrees that City shall have the right to limit or totally withdraw its permission to place and maintain Facilities within the ROW if the City determines that such is reasonably necessary for the preservation or protection of the health, safety or welfare of the residents or guests of the City or for the protection or preservation of City property, utilities or infrastructure. In the event of withdrawal of permission by the City, Owner shall relocate the Facilities to a mutually agreeable location at Owner’s sole cost and expense.

3. City reserves the right for it or its authorized contractor, at any time, to perform work deemed necessary or appropriate by City within the ROW or Easements, specifically including work on any utilities, and City shall have no liability to Owner for any damage to the Facilities by reason of such work; provided, however, City shall reasonably cooperate with Owner to minimize damage to the Facilities resulting from such work and shall use reasonable efforts to minimize any such damage.

4. Owner shall, at its sole cost and expense, maintain the Facilities in accordance with all City standards. Owner agrees to replace any of the Facilities as reasonably necessary within a reasonable amount of time.

5. Owner shall defend, indemnify and hold City harmless from any liability to any person or entity arising out of or relating to installation or maintenance of the Facilities within the ROW, except for liability resulting from City’s own negligence or intentional actions. Owner shall maintain insurance against third party claims that may be covered by this defense, indemnity and hold harmless.

6. Owner shall comply with all City codes and ordinances regarding use of City ROW in installation and maintenance of the Facilities, including the obtaining of all necessary permits, including but not limited to the following, as applicable:

- a. Street Cut Permit and Bond pursuant to City Code § 28-101 et seq.
- b. Maintenance of sight-distance triangle pursuant to City Code Appendix A – § 27(P).
- c. Tree removal permit prior to removal of any tree or trees pursuant to City Code Appendix A – Zoning, §27(R).

7. This License Agreement shall be for an initial term of 15 years from the date hereof and shall be automatically renewed for successive terms of 15 years each unless either party, in its sole option and discretion, gives written notice to the other party within the final six months of this License Agreement, that it is electing not to renew this License Agreement. Unless

otherwise agreed by the City, Owner shall remove all of the Facilities upon the termination of this License Agreement, and shall repair any damage or injury caused to the property of City or others by such removal.

8. This License Agreement shall be governed by the laws of the State of Tennessee, and jurisdiction and venue for any litigation arising hereunder shall be in the Circuit Court for Rutherford County, Tennessee. In the event of any such litigation, the prevailing party shall recover, in addition to any other legal or equitable relief granted by the Court, reasonable attorney fees and all costs of court including but not limited to discovery, witness and expert fees.

9. Any notice or demand which either party may or must give to the other hereunder shall be in writing and delivered personally, by reputable overnight courier, or sent by certified mail - return receipt requested addressed, if to Owner, as follows:

To City: City of Murfreesboro, Development Services Division
111 W. Vine Street
Murfreesboro, Tennessee 37130

With a copy to: City Attorney
City of Murfreesboro
111 West Vine Street
Murfreesboro, Tennessee 37130

To Owner: Rutherford County Area Habitat for Humanity, Inc
850 Mercury Blvd
Murfreesboro TN 37130

Either party may, by notice in writing, direct that future notices or demands be sent to a different address. All notices hereunder shall be deemed given upon receipt (or, if rejected, upon rejection) or three (3) business days after being mailed, by certified mail, postage pre-paid to the above addresses.

10. Owner, for itself and any successors or assigns, agrees that if the Facilities are not maintained to City standards, or otherwise become unsightly or appear to the City Planning Director to be a danger to public health, safety and welfare, and if such condition is not properly remedied within five (5) days of written notice delivered to Owner and Owner's successor or assign, if any, that City may then take all such steps as it deems appropriate, including but not limited to the removal of all of the Facilities. If the City deems it necessary to take action pursuant to this Section 10, it will send an invoice for labor, equipment and materials expended, plus an amount equal to 50% of the total labor, equipment and materials expended for administrative costs, to Owner and Owner's successor or assign, if any. Any such Invoice shall be paid within 30 days of the date of the invoice. If Owner fails to pay any such Invoice within 30 days, the City may file an appropriate lien to secure payment.

11. This License Agreement shall inure to the benefit of and be binding on the successors and assigns of Owner and City and shall run with the land. This License Agreement may be

executed in multiple counterparts, each of which shall be deemed an original, and all of which shall constitute one and the same agreement.

12. (If applicable) _____ (“Creditor”) is the holder of a promissory note dated _____ in the original principal amount of \$ _____ secured by a Deed of Trust of record at Record Book _____ page _____, Register’s Office of Rutherford County, Tennessee. Creditor hereby joins herein solely for the purpose of subordinating, and does hereby subordinate, the lien of said Deed of Trust to this LICENSE AGREEMENT FOR INSTALLATION AND MAINTENANCE IN ROW in favor of the City; but said Deed of Trust shall not be otherwise affected hereby, and shall continue in full force and effect as before the execution and delivery hereof, subject and subordinate only to said LICENSE AGREEMENT FOR INSTALLATION AND MAINTENANCE IN ROW

IN WITNESS WHEREOF, City and Owner have set forth their hands and seals below as of the date as of the date of the last party to sign.

CITY OF MURFREESBORO

Rutherford County Area Habitat for Humanity, Inc

By: _____
Craig Tindall, City Manager
Date: _____

By: _____
Printed name _____
Its _____
Date: _____

APPROVED AS TO FORM:

By: _____
Adam F. Tucker, City Attorney

CREDITOR:

By: _____
Name: _____
Title: _____

APPROVED BY PLANNING COMMISSION: _____

APPROVED BY CITY COUNCIL: _____

NOTARY BLOCKS ON FOLLOWING PAGE

STATE OF TENNESSEE)
 : ss
COUNTY OF RUTHERFORD)

Before me, _____, a Notary Public of said County and State, personally appeared _____ with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged himself to be the _____ of **Rutherford County Area Habitat for Humanity**, a Tennessee _____, and that he as such officer executed the foregoing instrument for the purposes therein contained, by signing the name of **Rutherford County Area Habitat for Humanity** in his capacity as such.

Witness my hand and seal, at Office, this ___ day of _____, 20____.

Notary Public

My Commission Expires: _____

STATE OF TENNESSEE)
 : ss
COUNTY OF RUTHERFORD)

Before me, the undersigned authority, a Notary Public in and for said County and State, personally appeared **CRAIG TINDALL**, with whom I am personally acquainted or who proved to me on the basis of satisfactory evidence, and who, upon their oath acknowledged himself to be the City Manager of the **City of Murfreesboro**, and that he as such City Manager executed the foregoing instrument for the purposes therein contained.

Witness my hand and seal, at Office, this ___ day of _____, 20____.

Notary Public

My Commission Expires: _____

STATE OF _____)
 : ss
COUNTY OF _____)

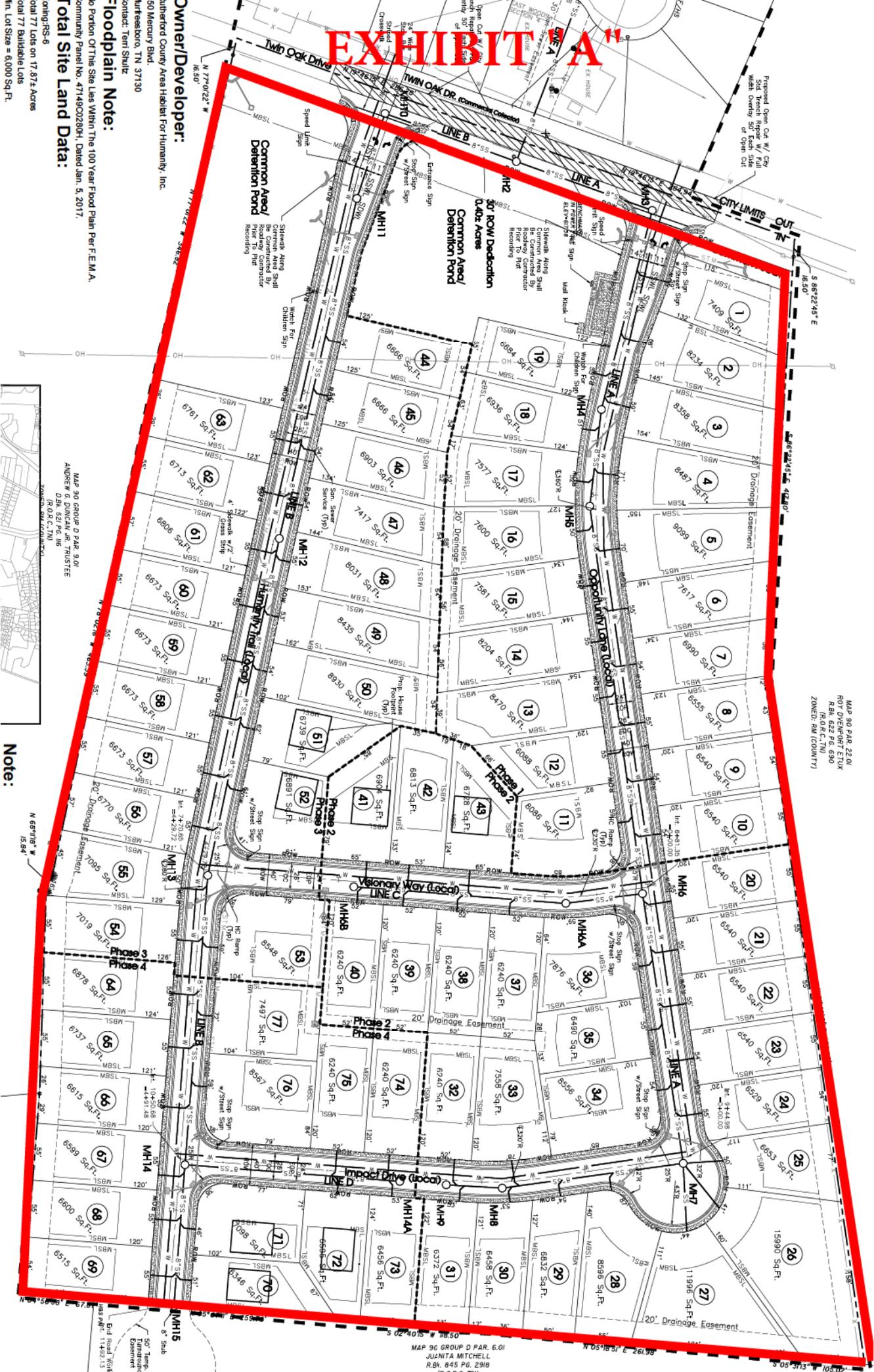
Before me, the undersigned notary public, personally appeared _____, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath, acknowledged such person to be the president, or other officer authorized to execute the instrument, of _____, the within named creditor, and that such person as such officer executed the foregoing instrument for the purposes therein contained by personally signing the name of the financial institution in such person's capacity as such officer.

Witness my hand and seal, at Office, this ___ day of _____, 20____.

Notary Public

My Commission Expires: _____

EXHIBIT "A"



Owner/Developer:
 Cumberland County Area Habitat For Humanity, Inc.
 50 Mercury Blvd.
 Murfreesboro, TN 37130
 Contact: Trent Shultz

Floodplain Note:
 Floodplain Note: The 100 Year Flood Plain Per FEMA
 Community Panel No. 47149C02804, Dated Jan. 5, 2017.

Total Site Land Data:
 Total Site Land Data: 177,022 sq. ft.
 Building RS-6
 Total 77 Buildable Lots
 Lot Size = 6,000 Sq. Ft.

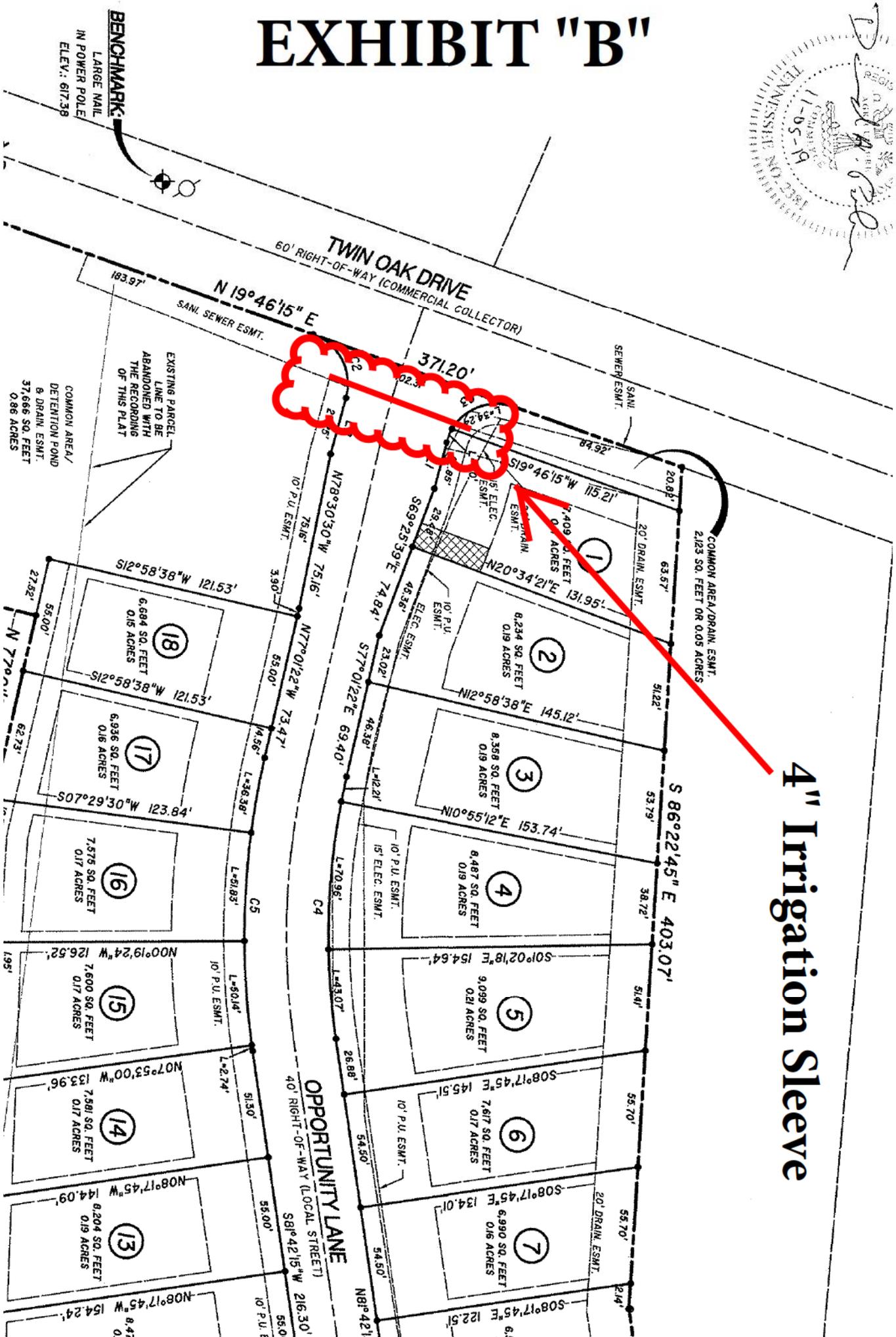
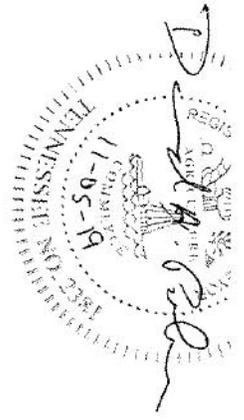
MAP 90 PAR. 22.01
 ROY DEWEIGHT ETUX
 R.B. 622 PG. 630
 (R.O.R.C., TN)
 ZONED RA1 (COUNTY)

MAP 90 GROUP D PAR. 9.01
 ANDREW G. DUNCAN JR. TRUSTEE
 D.B. 621 PG. 116
 (R.O.R.C., TN)

Note:

MAP 90 GROUP D PAR. 6.01
 JUANITA MITCHELL
 R.B. 845 PG. 2918
 (R.O.R.C., TN)

EXHIBIT "B"



4" Irrigation Sleeve

BENCHMARK:
LARGE NAIL
IN POWER POLE
ELEV.: 617.39

EXISTING PARCEL
LINE TO BE
ABANDONED WITH
THE RECORDING
OF THIS PLAT

COMMON AREA/
DETENTION POND
& DRAIN, ESMT.
37,666 SQ. FEET
0.86 ACRES

COMMON AREA/DRAIN, ESMT.
2,123 SQ. FEET OR 0.05 ACRES

TWIN OAK DRIVE
60' RIGHT-OF-WAY (COMMERCIAL COLLECTOR)

OPPORTUNITY LANE
40' RIGHT-OF-WAY (LOCAL STREET)

LOT 18: 6,684 SQ. FEET 0.15 ACRES
LOT 17: 6,936 SQ. FEET 0.16 ACRES
LOT 16: 7,576 SQ. FEET 0.17 ACRES
LOT 15: 7,600 SQ. FEET 0.17 ACRES
LOT 14: 7,581 SQ. FEET 0.17 ACRES
LOT 13: 8,204 SQ. FEET 0.19 ACRES

LOT 1: 7,409 SQ. FEET 0.17 ACRES
LOT 2: 8,234 SQ. FEET 0.19 ACRES
LOT 3: 8,358 SQ. FEET 0.19 ACRES
LOT 4: 8,487 SQ. FEET 0.19 ACRES
LOT 5: 9,099 SQ. FEET 0.21 ACRES
LOT 6: 7,617 SQ. FEET 0.17 ACRES
LOT 7: 6,990 SQ. FEET 0.16 ACRES

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
MAY 6, 2020
PROJECT PLANNER: MARINA RUSH**

- 5.b. Mandatory Referral [2020-708] to consider the dedication of a CUD waterline easement and a temporary construction easement on City-owned property located along the south side Burnt Knob Road, Mr. Matt Taylor (on behalf of North Boulevard Church of Christ) applicant.**



In this mandatory referral, the Planning Commission is being asked to consider approving the dedication of a Consolidated Utility District (CUDRC) waterline easement and a construction easement on City owned property, located along the south side of Burnt Knob Road. The City is proposing to dedicate right-of-way in between the proposed water line easement and the existing right-of-way boundary in order to accommodate future improvements to Burnt Knob Road, consistent with

the Murfreesboro 2040 Major Transportation Plan. The water line easement will allow the construction of approximately 1,790 linear feet of CUDRC water line. The staff report includes a map depicting the requested easements and future right-of-way of Burnt Knob Road.

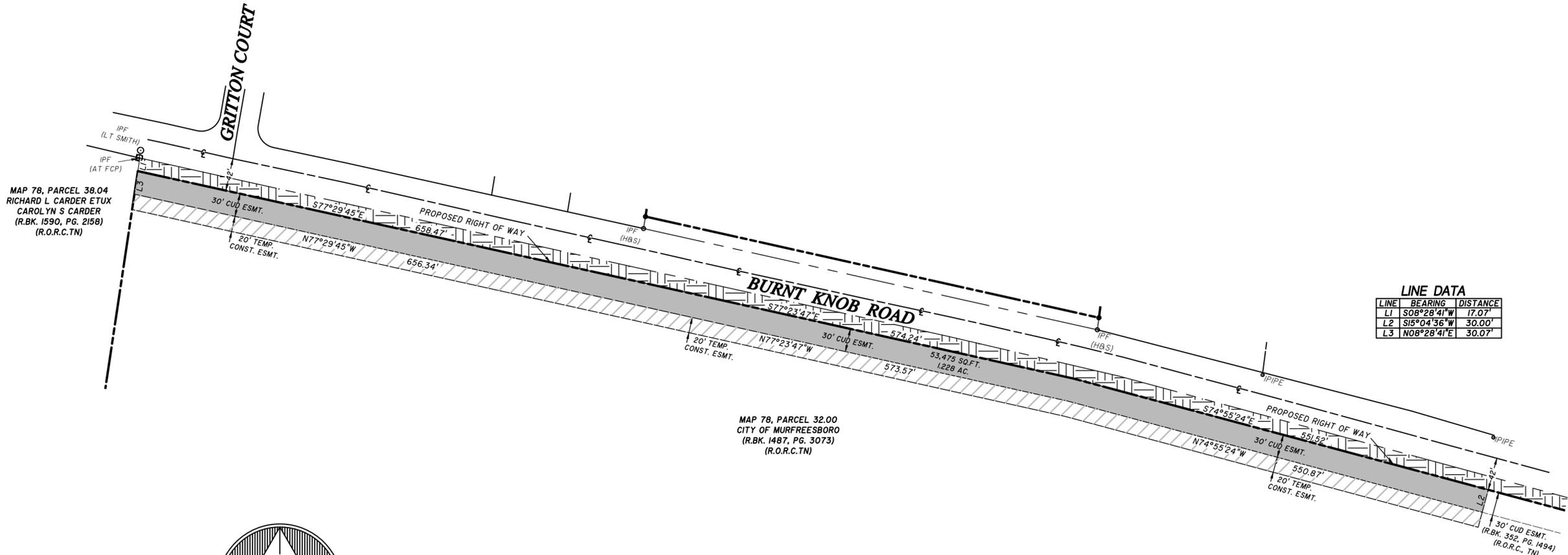
The purpose of the request is because North Boulevard Church of Christ is constructing a new campus on the north side of Burnt Knob Road in the unincorporated County and needs a waterline extension to provide adequate fire protection to its building. The easements are proposed and will be recorded through a document with a description and exhibit that will dedicate these easements to CUDRC. The additional right-of-way dedication will be recorded in a separate document and is not a part of this mandatory referral request. Staff forwarded the request for easements to City department staff and outside agencies and received a comment from Middle Tennessee Electric Membership Corporation (MTEMC); they state that there is one utility pole located on the property that may be in conflict with the requested easements and that CUDRC should coordinate with MTEMC to arrange to have the pole relocated.

No public hearing is needed for the requested easement dedication.

Action Needed

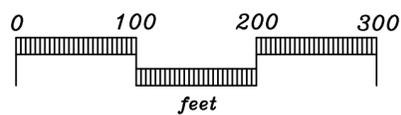
The Planning Commission will need to consider this request and then formulate a recommendation to the City Council.

OWNER:
 CITY OF MURFREESBORO
 III W. VINE ST.
 MURFREESBORO, TN 37130
 MAP 78, PARCEL 32.00
 R.BK. 1487, PG. 3073
 30' WIDE CUD ESMT. AREA = 1.228 ± ACRES



LINE DATA

LINE	BEARING	DISTANCE
L1	S08°28'41"W	17.07'
L2	S15°04'36"W	30.00'
L3	N08°28'41"E	30.07'



CONSOLIDATED UTILITY DISTRICT
 EASEMENT EXHIBIT

MAP 78, PARCEL 32.00
CITY OF MURFREESBORO
BURNT KNOB ROAD

7th CIVIL DISTRICT, RUTHERFORD COUNTY, TENNESSEE
 RECORD BOOK 1487, 3073, R.O.R.C., TN

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

REVISIONS PER CUD COMMENTS 4-2-2020
 REVISIONS PER CUD COMMENTS 4-3-2020
 REVISIONS PER CUD COMMENTS 4-27-2020

PROJ. # 19312	DATE: 4-1-2020 REV.: 4-27-2020	FILE: NBCC-ROW-Exhibit	DRAWN BY: JDG	SCALE: 1" = 100'	SHEET 1 OF 1
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City of Murfreesboro Mandatory Referral Application

111 W Vine Street • Murfreesboro, TN 37130 • 615-893-6441

Mandatory Referral Fees:

Mandatory Referral, INCLUDING abandonment of right-of-way.....	\$350.00
Mandatory Referral, NOT INCLUDING abandonment of right-of-way.....	\$150.00

Property Information:

Tax Map/Group/Parcel: Map 78 Parcel 32.00

Address (if applicable): Along Burnt Knob Rd

Street Name (if abandonment of ROW): n/a

Type of Mandatory Referral: Requesting waterline easement on City property

Applicant Information:

Name of Applicant: Matt Taylor on behalf of North Blvd Church of Christ

Company Name (if applicable): SEC, Inc

Street Address or PO Box: 850 Middle TN Blvd

City: Murfreesboro

State: TN

Zip Code: 37129

Email Address: mtaylor@sec-civil.com

Phone Number: 615-890-7901

Required Attachments:

- Letter from applicant detailing the request
- Exhibit of requested area, drawn to scale
- Legal description (if applicable)

Matthew Taylor

4/15/2020

Applicant Signature

Date

April 15, 2020

Mr. Matthew Blomeley
Murfreesboro Planning & Engineering Dept
111 W. Vine St
Murfreesboro, Tennessee 37130

RE: North Blvd Church of Christ – Burnt Knob Campus
Waterline Easement Request
Murfreesboro, Tennessee

Dear Mr. Blomeley:

Please accept this as our formal request for the City of Murfreesboro to grant a waterline easement to CUDRC on property owned by the City of Murfreesboro. This request will allow for approximately 1790 linear feet of waterline to be installed along the southern side of Burnt Knob Road between Veterans Parkway and Blackman Road. North Blvd Church of Christ is constructing a new campus on the north side of Burnt Knob Road and needs the waterline extension to provide adequate fire protection to its building. The attached exhibit details the requested easement areas.

These easements are proposed and will be recorded through a document with a description and exhibit that will dedicate these easements as public easements to CUDRC.

If you should have any questions concerning this letter, please feel free to call me at (615) 890-7901 or via email at mtaylor@sec-civil.com

Sincerely,



Matt Taylor, P.E.
Vice-President
SEC, Inc

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
MAY 6, 2020**

Principal Planner: Margaret Ann Green

- 5.c. Mandatory Referral [2020-710] to consider the abandonment of an existing MWRD sanitary sewer easement located within the Westlawn subdivision along Veterans Parkway, Mr. Christopher Mabery (on behalf of MAB Murfreesboro LLC) applicant.**

This easement abandonment request is from Ragan Smith on behalf of the developer of MAB Murfreesboro LLC. They are requesting the abandonment of an existing 20-foot sanitary sewer easement located as shown on the exhibit. This easement was recorded by plat and was intended for a proposed gravity sewer main to serve the property. The sanitary sewer was constructed differently than in the location of the recorded easement, so this easement is not correct. The Developer will dedicate a new sewer easement once the sewer for the development is constructed. The Murfreesboro Water and Sewer Board recommended the Planning Commission and City Council approve this request at its April 28, 2020 meeting.

If this mandatory referral is approved, it should be made subject to the applicant providing all the necessary documentation required to prepare and record the instrument to City Staff. This includes legal descriptions and an illustration of the property. If approved, then the Mayor will be authorized to sign the necessary documents to convey the City's interest back to the owner. The Planning Commission will need to discuss this mandatory referral and formulate a recommendation to City Council.



... creating a better quality of life

MEMORANDUM

DATE: April 20, 2020
TO: Water Resources Board
FROM: Valerie H. Smith
SUBJECT: Sewer Easement Abandonment
Westlawn Pavilion

Background

This easement abandonment request is from Ragan Smith on behalf of the Developer of Westlawn Commercial. They are requesting the abandonment of an existing 20-foot sanitary sewer easement located as shown on the attached exhibit. This easement was recorded by plat and was intended for a proposed gravity sewer main to serve the property. The sanitary sewer was constructed differently than in the location of the recorded easement, so this easement is not correct. The Developer will dedicate a new sewer easement once the sewer for the development is constructed.

Recommendation

Staff recommends that the Board recommend to the Planning Commission and City Council approval of abandoning this existing sewer easement.

Fiscal Impact

Not applicable. The easement was dedicated through the recording of a plat by the developer.

Attachment

Easement Abandonment Request
Abandonment Exhibit



April 16, 2020

HAND DELIVERY

Ms. Valerie Smith, P.E.
Assistant Director of Engineering
Murfreesboro Water Resources Department
220 NW Broad Street
Murfreesboro, TN 37130

**RE: WESTLAWN PAVILION
ABANDONMENT OF 20' SANITARY SEWER EASEMENT
MURFREESBORO, TENNESSEE**

Dear Valerie:

We would like to apply for consideration of the abandonment of an existing 20-foot Sanitary Sewer Easement situated on the MAB Murfreesboro, LLC property (Map 093, Parcel 1.06) at the southwest quadrant of the intersection of Westlawn Boulevard with Veterans Parkway in Murfreesboro. Said easement was originally transferred to the city of Murfreesboro from Spivey & Hollingshead, LLC by instrument of record in Record Book 1432, page 2534 of the Rutherford County Register's Office on December 29, 2015. Said easement extends into the MAB Murfreesboro property from the southerly right-of-way of Westlawn Boulevard as shown on the attached exhibit. The right-of-way for Westlawn Boulevard was dedicated as shown on the final plat entitled "Westlawn, Section One" of record in Plat Cabinet 39, page 138, said Register's Office on March 11, 2016.

Subsequent to the transferal and dedication described above, Westlawn Boulevard and the sanitary sewer line contained therein were constructed in a manner that appears to be different from the intended design at the time of their recording. This resulted in a sanitary sewer manhole that was constructed outside the recorded easement, as shown on the attached exhibit.

At its November 20, 2019 meeting, the Planning Commission approved a final plat on this property creating a shopping center tract and five outparcels. This plat shows a proposed 30-foot Sanitary Sewer Easement that contains the previously constructed manhole and the newly designed sewer system that will tie into it. With this new design, there is still no infrastructure planned to fall within the previously recorded easement.

Attached, for your review and consideration at your next Board meeting, please find the following:

- The Sanitary Sewer Easement Abandonment Exhibit
- The Sanitary Sewer Easement Abandonment Description
- A copy of the letter sent to Matthew Blomeley, City of Murfreesboro Planning, for placement on the next Planning Commission agenda for Mandatory Referral

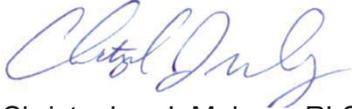
Ms. Valerie Smith
April 16, 2020
Page 2

RAGAN•SMITH

If you have questions or need additional information, please contact me.

Sincerely,

RAGAN-SMITH ASSOCIATES, INC.

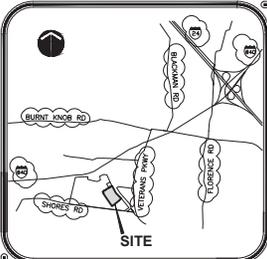
A handwritten signature in blue ink, appearing to read "Chris Mabery".

Christopher J. Mabery, RLS
Survey Project Manager

CJM:kal

Enclosures

cc: Mr. Matthew Blomeley, City of Murfreesboro Planning Department



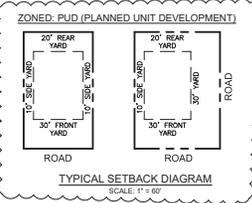
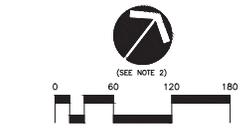
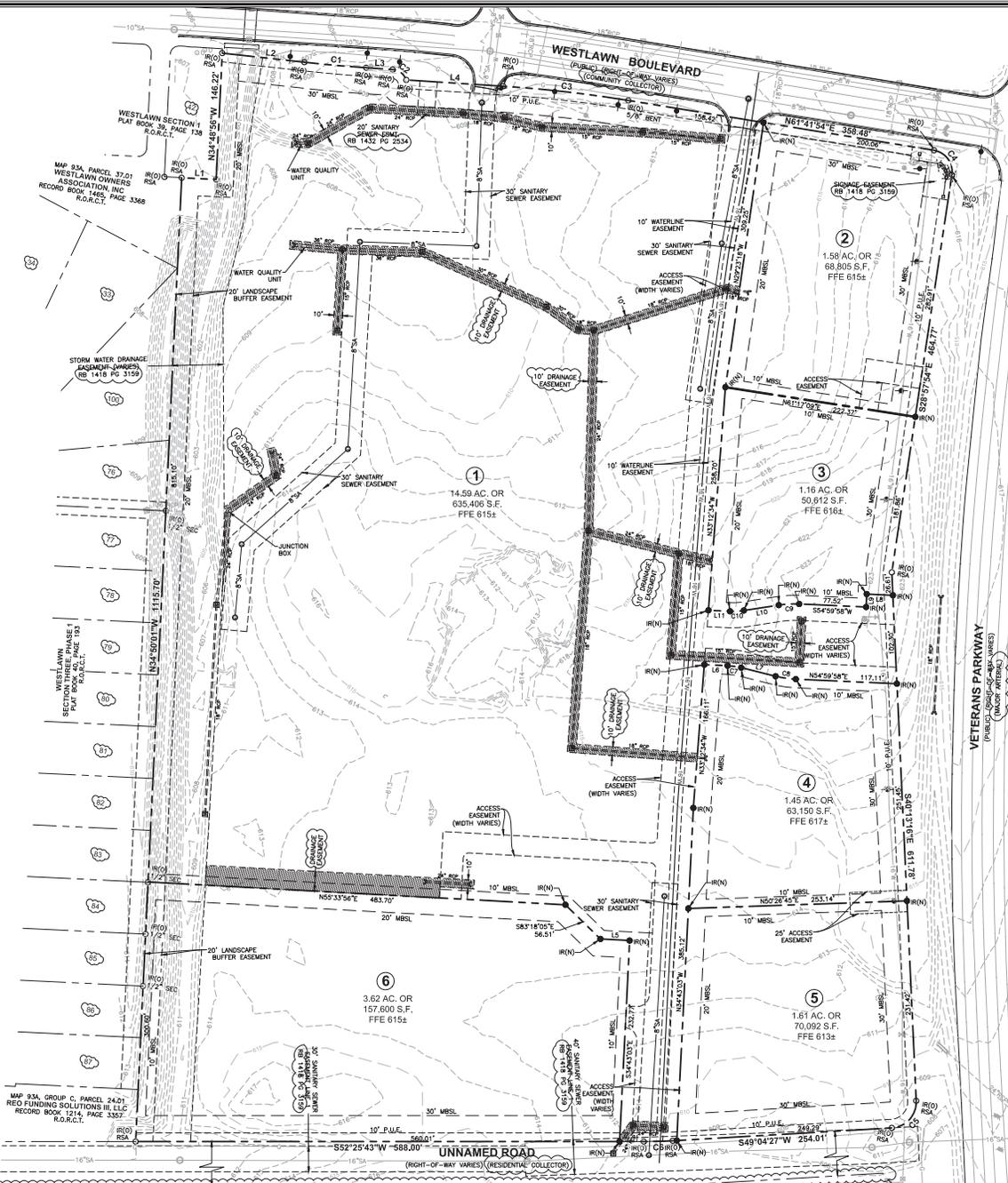
LOCATION MAP
(NOT TO SCALE)

GENERAL NOTES

1. THE PURPOSE OF THIS PLAN IS TO CREATE SIX LOTS AND DEDICATE EASEMENTS.
2. BEARINGS SHOWN HEREON ARE BASED ON THE TENNESSEE COORDINATE SYSTEM OF 1983. GROUND ELEVATIONS WERE USED TO DETERMINE THE POSITION OF TWO CONTROL POINTS ON THE SURVEYED PROPERTY IN ORDER TO ESTABLISH THE BEARING BACK FOR THE SURVEY. TYPE EQUIPMENT USED: LEICA MODEL 301220, 30MM, FREQUENCY: REDUCED. THE TYPE OF GPS SURVEY: NETWORK ADJUSTED REAL TIME KINEMATIC. THE RELATIVE POSITIONAL ACCURACY IS 5:05.
3. ELEVATIONS SHOWN HEREON ARE BASED ON MVD 88. CONTOURS ARE AT ONE FOOT INTERVALS AND ARE BASED ON A FIELD RUN SURVEY USING RANDOM SPOT ELEVATIONS. CONTOURS WERE DERIVED USING SURFACE MODELING TECHNIQUES.
4. THIS PROPERTY IS CURRENTLY ZONED PUD - (PLANNED UNIT DEVELOPMENT).
5. BEING PARCEL NUMBER 1.06 AS SHOWN ON RUTHERFORD COUNTY PROPERTY MAP NUMBER 93.
6. BEING THE SAME PROPERTY CONVEYED TO MAB MURFREESBORO LLC BY OUTCOLUM DEED OF RECORD IN RECORD BOOK 1790, PAGE 1691, REGISTER'S OFFICE FOR RUTHERFORD COUNTY, TENNESSEE.
7. THIS PROPERTY IS LOCATED WITHIN THE OVERALL CREEK ASSESSMENT DISTRICT.
8. BY SCALED MAP LOCATION AND GRAPHIC PLOTTING ONLY, THIS PROPERTY LIES WITHIN FLOOD ZONE "X" AS DESIGNATED ON CURRENT FEDERAL EMERGENCY MANAGEMENT AGENCY MAP NO. 474600250A, WITH AN EFFECTIVE DATE OF JANUARY 1, 2007, WHICH MAKES UP A PART OF THE NATIONAL FLOOD INSURANCE ADMINISTRATION REPORT; COMMUNITY NO. 470148, PANEL NO. 0235, SUFFIX "H" WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PREMISES IS SITUATED. SAID MAP DEFINES ZONE "X" UNDER "OTHER AREAS" AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN.
9. THIS SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES ABOVE GRADE AND UNDERGROUND UTILITIES SHOWN WERE TAKEN FROM VISIBLE APPEARANCES AT THE SITE, PUBLIC RECORDS AND/OR MAPS PREPARED BY OTHERS. THE SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. THEREFORE, RELIANCE UPON THE TYPE, SIZE AND LOCATION OF UTILITIES SHOWN SHOULD BE DONE SO WITH THE CIRCUMSTANCE CONSIDERED. DETAILED VERIFICATION OF EXISTENCE, LOCATION AND DEPTH SHOULD ALSO BE MADE PRIOR TO ANY DECISION RELATIVE THERETO IS MADE. AVAILABILITY AND COST OF SERVICE SHOULD BE CONFIRMED WITH THE APPROPRIATE UTILITY COMPANY IN TENNESSEE. IT IS A REQUIREMENT THAT THE UNDERGROUND UTILITY DAMAGE FROM REMOVAL, THAT ANYONE WHO ENGAGES IN EXCAVATION MUST NOTIFY ALL KNOWN UNDERGROUND UTILITY OWNERS, NO LESS THAN (3) THREE OR MORE THAN (10) TEN WORKING DAYS PRIOR TO THE DATE OF THEIR INTENT TO EXCAVATE AND ADEQUATELY AVOID ANY POSSIBLE HAZARD OR CONFLICT. TENNESSEE ONE CALL 811.
10. EASEMENTS IN THE SUBDIVISION MAY NOT HAVE INFRASTRUCTURE CONSTRUCTED WITHIN THEM UNTIL SOME FUTURE TIME AND THERE MAY BE NO NOTICE OR CONSULTATION WITH THE INDIVIDUAL LOT OWNERS OF THIS CONSTRUCTION.
11. 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 MANHOLE VALVE FOR THE PLUMBING CODE AND EXECUTE 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.

LEGEND

○(R)	IRON ROD (OLD)	○	UTILITY POLE
●(R)	IRON ROD (NEW)	○→	UTILITY POLE W/ ANCHOR
○(Z)	1" x 1/2" W/OP STAMPED	—	OVERHEAD ELECTRIC POWER LINE
○	FIRE HYDRANT	—	OVERHEAD TELEPHONE LINE
W	WATER VALVE	—P&T—	OVERHEAD POWER AND TELEPHONE LINES
↓	POST INDICATOR VALVE	—CATV—	OVERHEAD CABLE TELEVISION LINE
■	WATER METER	—SA—	SANITARY SEWER LINE
■	CATCH BASIN	—G—	GAS LINE
□	SANITARY SEWER MANHOLE	—L—	LIGHT STANDARD
□	ELECTRIC BOX	—X—X—	FENCE
—	SIGN	—RCP—	REINFORCED CONCRETE PIPE
—	WATER LINE	—UGP—	UNDERGROUND TELEPHONE LINE
P.U.E.	PUBLIC UTILITY EASEMENT	—MSBL—	MINIMUM BUILDING SETBACK
RB/PQ	RECORD BOOK/PAGE	—	DRAINAGE EASEMENT
R.O.R.C.T.	REGISTER'S OFFICE FOR RUTHERFORD COUNTY, TENNESSEE		



LOT TABLE

LOT	SQUARE FEET	ACREAGE
1	635,406	14.59
2	68,805	1.58
3	60,612	1.16
4	63,150	1.45
5	70,092	1.61
6	157,600	3.62
TOTAL	1,045,668	24.01

LINE TABLE

LINE	BEARING	DISTANCE
L1	N05°07'23"E	39.90'
L2	N04°44'14"E	95.63'
L3	N06°20'02"E	30.67'
L4	N06°08'50"E	112.46'
L5	N05°33'56"E	33.85'
L6	N04°59'58"E	26.99'
L7	N06°21'53"E	40.99'
L8	S50°13'00"W	30.42'
L9	S33°01'07"W	15.00'
L10	S43°38'02"W	40.99'
L11	S45°59'58"W	25.02'

CURVE TABLE

CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD	CHD BRG
C1	1530.00'	71.83'	2°41'24"	35.92'	71.82'	N67°31'40"E
C2	18.00'	20.99'	66°48'28"	11.87'	19.82'	N89°44'13"E
C3	1500.00'	145.72'	5°33'58"	72.92'	145.67'	N85°33'37"E
C4	25.00'	38.87'	89°05'28"	24.61'	35.07'	S73°32'04"E
C5	30.00'	46.71'	89°12'44"	29.59'	42.13'	S04°32'04"E
C6	575.00'	33.46'	3°20'04"	16.74'	33.46'	S00°47'31"W
C7	80.50'	15.97'	11°21'56"	8.01'	15.94'	N60°45'07"E
C8	118.50'	23.70'	11°21'56"	11.89'	23.67'	N60°45'07"E
C9	118.50'	23.70'	11°21'56"	11.89'	23.67'	S49°19'00"W
C10	80.50'	15.97'	11°21'56"	8.01'	15.94'	S49°19'00"W

CERTIFICATE OF ACCURACY
I HEREBY CERTIFY THAT THIS IS A CATEGORY 1 SURVEY AND THE BASIS OF PRESSION OF THE UNADJUSTED SURVEY IS 1:30,542 AS SHOWN HEREON. I ALSO CERTIFY THAT THE MONUMENTS HAVE BEEN OR WILL BE PLACED AS SHOWN HEREON TO THE SPECIFICATIONS OF THE CITY ENGINEER.



RAGAN-SMITH ASSOCIATES, INC.
BY: [Signature] DATE: 11/6/19
TN RLS NO. 2485

PRELIMINARY PLAT

WESTLAWN PAVILION SUBDIVISION

VETERANS PARKWAY
7th CIVIL DISTRICT OF RUTHERFORD COUNTY,
CITY OF MURFREESBORO, TENNESSEE
SCALE: 1"=60' DATE: OCTOBER 17, 2019
REVISED: NOVEMBER 6, 2019

OWNER/DEVELOPER
MAB AMERICAN MANAGEMENT, LLC
505 N. TROST ST. SUITE 1100
CHARLOTTE, NC 28202
PHONE: 704-331-6087
CONTACT: MR. JOHN ARGO

RAGAN-SMITH

WATER SERVICE
CONSOLIDATED UTILITY DISTRICT
709 NEW SALEM HWY
MURFREESBORO, TN 37129
615-893-7225

LAND SURVEYORS & CIVIL ENGINEERS
LANDSCAPE ARCHITECTS & SURVEYORS
315 W. MAIN ST. SUITE 100
MURFREESBORO, TN 37129
CONTACT: CHRISTOPHER J. MAREY
EMAIL: CMarey@ragansmith.com

NOTES

1. THE PURPOSE OF THIS EXHIBIT IS TO ABANDON THE EXISTING 20' SANITARY SEWER EASEMENT "A" OF RECORD IN RECORD BOOK 1432, PAGE 2534, R.O.R.C.T.
2. THIS EXHIBIT IS NOT A GENERAL PROPERTY SURVEY AS DEFINED UNDER RULE 0820.03-7.



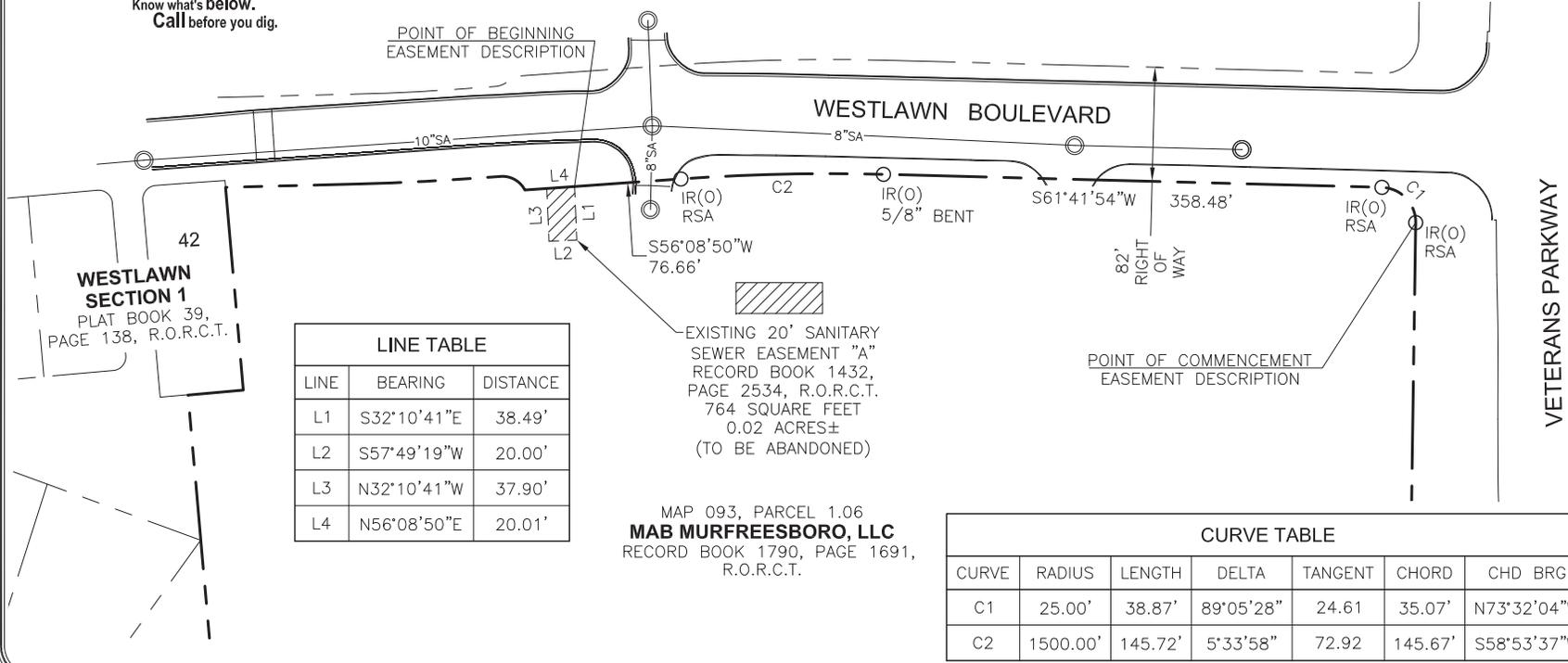
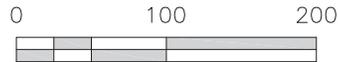
Know what's below.
Call before you dig.

LEGEND

- IR(O) IRON ROD (OLD)
- ⊙ EXISTING SANITARY SEWER MANHOLE
- SA- EXISTING SANITARY SEWER LINE
- R.O.R.C.T. REGISTER'S OFFICE FOR RUTHERFORD COUNTY, TENNESSEE



TNSPC: NAD 83



42
WESTLAWN SECTION 1
PLAT BOOK 39,
PAGE 138, R.O.R.C.T.

LINE TABLE		
LINE	BEARING	DISTANCE
L1	S32°10'41"E	38.49'
L2	S57°49'19"W	20.00'
L3	N32°10'41"W	37.90'
L4	N56°08'50"E	20.01'

EXISTING 20' SANITARY SEWER EASEMENT "A" RECORD BOOK 1432, PAGE 2534, R.O.R.C.T. 764 SQUARE FEET 0.02 ACRES± (TO BE ABANDONED)

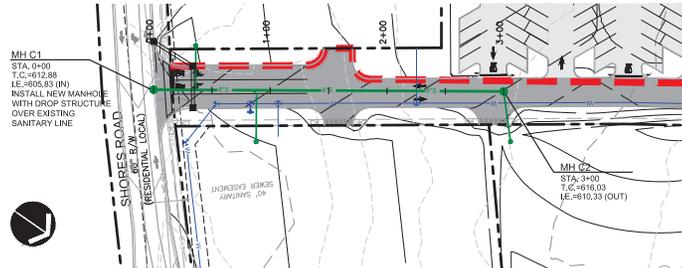
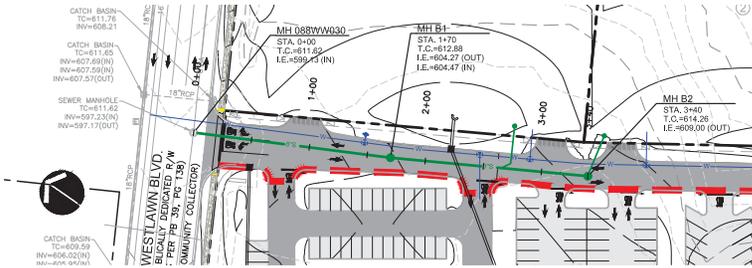
MAP 093, PARCEL 1.06
MAB MURFREESBORO, LLC
RECORD BOOK 1790, PAGE 1691,
R.O.R.C.T.

CURVE TABLE						
CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD	CHD BRG
C1	25.00'	38.87'	89°05'28"	24.61	35.07'	N73°32'04"W
C2	1500.00'	145.72'	5°33'58"	72.92	145.67'	S58°53'37"W

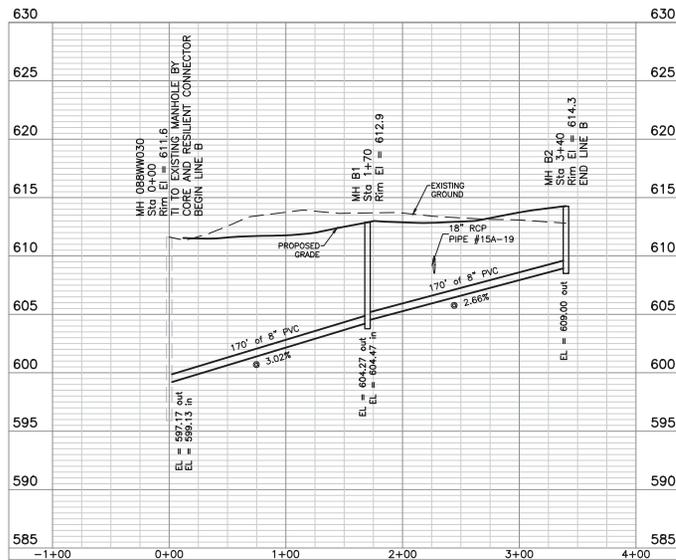
RAGAN SMITH
LAND PLANNERS • CIVIL ENGINEERS
LANDSCAPE ARCHITECTS • SURVEYORS
Nashville
Chattanooga
423-890-8400
615-546-0050
raganrsmith.com

**WESTLAWN PAVILION
MAB MURFREESBORO LLC**
7th CIVIL DISTRICT OF RUTHERFORD COUNTY,
CITY OF MURFREESBORO, TENNESSEE
SEWER EASEMENT ABANDONMENT EXHIBIT

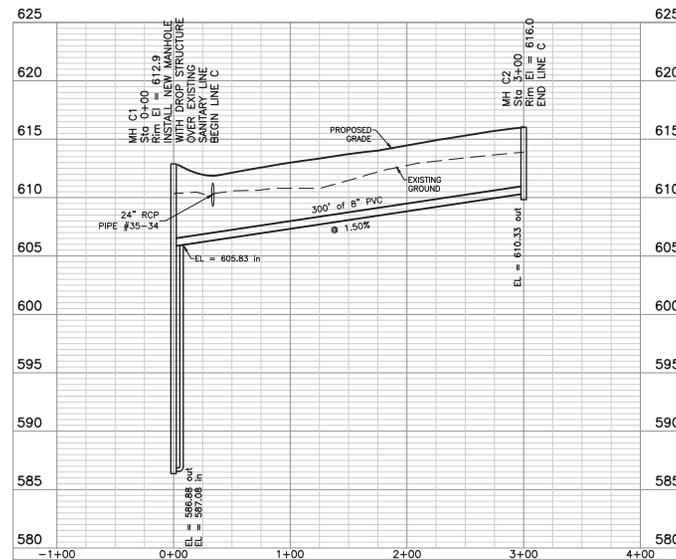
DATE	APRIL 16, 2020
APPROVED:	CJM
DRAWN:	CJM
SCALE:	1" = 100'
JOB NO.	06036
WK. ORDER	0885



LINE "B"

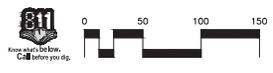


LINE "C"



INTERIM REVIEW ONLY
 Document incomplete. Not intended for permit or construction.
 Engineer: BRIAN W. REED
 TN P.E. License No.: 122717
 Date: APRIL 16, 2020

SCALES:
 PLAN VIEW 1" = 50'
 PROFILE VIEW 1" = 50' HORIZONTAL
 1" = 5' VERTICAL



NO.	DATE	DESCRIPTION
1	12/25/2019	FOR CITY COMMENTS
2	03/18/2020	ISSUE FOR BID
3		
4		
5		
6		
7		
8		
9		
10		

DATE PLOTTED: 04/16/2020 10:45:00 AM
 PLOT SCALE: 1" = 50'
 PLOT SHEET: C4.6 OF 17
 PLOT TITLE: WESTLAWN PAVILION SANITARY SEWER PLAN AND PROFILE

Minutes of the Murfreesboro Planning Murfreesboro Planning Commission April 22, 2020

6:00 PM

Members Present

Kathy Jones, Chair
Ken Halliburton, Vice-Chairman
Jennifer Garland
Ronnie Martin
Warren Russell
Chase Salas
Eddie Smotherman

Staff Present

Greg McKnight, Planning Director
Matthew Blomeley, Assistant Planning Director
Marina Rush, Principal Planner
Austin Cooper, Planner
Carolyn Jaco, Recording Assistant
David Ives, Deputy City Attorney
Sam Huddleston, Dev. Services Exec. Director
Teresa Stevens, Sign Administrator

Chair Kathy Jones called the meeting to order. She stated that in accordance with Executive Order No. 16 issued by Governor Bill Lee, the Murfreesboro Planning Commission April 22, 2020 meeting would be conducted electronically and there would not be physical public access to the meeting as necessary to protect public health, safety and welfare in light of the coronavirus. The public may view the meetings electronically through Murfreesboro CityTV which is broadcast on Comcast Xfinity Channels 3 and 1094 and on AT&T U-verse Channel 99. The meeting can also be streamed on Roku, YouTube, Facebook, and the City's website.

Continuing, Chair Kathy Jones stated this information had been properly advertised to the public and the instructions were given in the advertisement on how the public could telephone to participate in this meeting.

Chair Kathy Jones called the meeting to order and requested for a roll call vote for the determination of a quorum. Based on the roll call, it was determined that a quorum was present.

Present: **Jennifer Garland**
 Ken Halliburton
 Ronnie Martin
 Warren Russell
 Chase Salas
 Eddie Smotherman
 Kathy Jones

Absent: **None**

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Chair Kathy Jones requested for a roll call vote in order to conduct the meeting electronically because it is necessary to protect the health, safety, and welfare of Tennesseans and Murfreesboro citizens in light of the COVID-19 outbreak.

Mr. Chase Salas made a motion for the meeting to be conducted electronically because it is necessary to protect the health, safety, and welfare of Tennesseans and Murfreesboro citizens in light of the COVID-19 outbreak, seconded by Mr. Ken Halliburton. Upon roll call the motion was passed by the following vote:

Aye: Jennifer Garland
Ken Halliburton
Ronnie Martin
Warren Russell
Chase Salas
Eddie Smotherman
Kathy Jones

Nay: None

Chair Kathy Jones asked for a motion to be made to approve the minutes of the February 19, 2020 Planning Commission meeting.

Mr. Warren Russell made a motion to approve the minutes, seconded by Mr. Ronnie Martin. Upon roll call the motion was passed by the following vote:

Aye: Jennifer Garland
Ken Halliburton
Ronnie Martin
Warren Russell
Chase Salas
Eddie Smotherman
Kathy Jones

Nay: None

Minutes of the Murfreesboro Planning Murfreesboro Planning Commission April 22, 2020

Public Hearings

Zoning Request [2020-403] for PS (Planned Signage) Overlay District program book for New Vision Baptist Church for approximately 30 acres located along North Thompson Lane, West College Street, and West Northfield Boulevard, New Vision Baptist Church applicant.

Ms. Teresa Stevens summarized the Planned Signage Overlay zoning request from the staff report, which had been provided to the Planning Commission in the agenda packet.

Ms. Regina Thompson of Visioneering Studios and Mr. Greg Freeman of New Vision Baptist Church were in attendance to represent the application. Ms. Thompson began by providing a presentation from the pattern book. She stated how this proposal would address signage for new entrances, string lighting in certain areas, canopy signs over the main entry locations, etc.

Ms. Jennifer Garland had questions from the applicant's pattern book regarding page 3.3. How would the mural signs be addressed? Mr. Teresa Stevens stated that mural signs would be addressed by the Building and Codes sign definitions within the City Sign Ordinance. She stated there are guidelines which state that murals are allowed on two sides of a building; not on the front of a building. This proposal being discussed is asking for a mural to be permitted on three sides of a building.

Ms. Regina Thompson explained the three-sided mural would improve the appearance of an existing metal siding facade. Due to new road improvements in this area and a new children's hospital, this existing metal siding façade has become much more visible.

Chair Kathy Jones made known her concerns with the actual signage that is being proposed on the mural. Ms. Regina Thompson explained this image being discussed was not the final result for their mural. New Vision Baptist Church would be working with a muralist for their design. Chair Kathy Jones wanted clarification regarding the final design for their mural; would the

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applicant have to come back to amend their PSO pattern book. Ms. Teresa Stevens stated this is the first applicant requesting a mural in a Planned Sign Overlay district. Therefore, when the applicant submits their final mural it would need to meet the Building and Codes definitions for murals. However, if there were any outstanding issues that needed to be addressed, the applicant would have to come back before the Planning Commission for approval.

Mr. Eddie Smotherman wanted additional information regarding the rendering on page 10 from the applicant's pattern book regarding future additions on this property. He feels that what is being presented should be have a more consistent design relative to the existing buildings. Ms. Regina Thompson stated this was an example rendering for the applicant to have when planning for the any future building additions with signage that may or may not happen. The building presented is not designed at this time. At this time, they are only providing future attached signs such as channel signs or backlit signs for a future children's building. Mr. Warren Russell wanted to know if the mural would be a wrap or painted. Ms. Thompson answered it would be painted.

Chair Kathy Jones opened the public hearing. Mr. Matthew Blomeley stated as of noon today, no one had requested to register to speak electronically for or against the zoning request. Chair Kathy Jones closed the public hearing.

Chair Kathy Jones and Ms. Jennifer Garland expressed their concerns from page 9 in the applicant's pattern book. There needs to be clarification language added to properly address banners and flag signs. For example, how often would banners and flag signs be allowed to be used and for how long each time? There needs to be more restrictive language for these items.

Mr. Matthew Blomeley stated that, relative to the future building, this proposal was only for signage. The architectural design for any future building additions would be addressed during the site plan review process.

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Mr. David Ives stated he would work with the applicant and the Building & Codes staff to address the concerns being discussed to provide language regarding limitations for banners and flag signs while making certain it provides the applicant opportunities for their events as needed. Ms. Regina Thompson stated she would work with the church and City staff to address all concerns that have been mentioned.

Mr. Eddie Smotherman made a motion to approve subject to following:

- **Staff's participation on the revisions to be made in the applicant's pattern book for clarification on banners and flag signs.**
- **The final design for a mural should be presented to the Planning Commission for approval before it is placed on their metal building.**
- **The proposed changes to the language for banners and flag signs would be addressed during a Planning Commission day meeting.**
- **The applicant would not have to amend their PSO zoning for these changes.**

The motion was seconded by Mr. Ken Halliburton. Upon roll call the motion was passed by the following vote:

Aye: Jennifer Garland
Ken Halliburton
Ronnie Martin
Warren Russell
Chase Salas
Eddie Smotherman
Kathy Jones

Nay: None

Zoning application [2019-435] for approximately 1.44 acres located at the northeast corner of Gold Valley Drive and North Rutherford Boulevard to be rezoned from PCD to PRD (Rutherford Corner PRD), Masterson Homes, Inc. applicant. Mr. Matthew Blomeley

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summarized the zoning application from the staff report, which had been provided to the Planning Commission in the agenda packet.

Mr. Rob Molchan of SEC, Inc. was in attendance to represent the application. Mr. Molchan began by explaining the details with a presentation from applicant's pattern book.

Chair Kathy Jones opened the public hearing. She made known that only one person had registered to speak on this request; however, they have not called in. Chair Kathy Jones closed the public hearing.

Chair Kathy Jones has questions from page 14 in the applicant's pattern book regarding the "examples of materials". Mr. Rob Molchan explained the examples for the materials was to make known their proposed color palette. During the site plan approval process the colors would be addressed with the architectural renderings. Mr. Matthew Blomeley made known staff would work with Mr. Molchan on the language in the pattern book regarding the "examples of materials."

Mr. Eddie Smotherman asked if the units are to be for-sale townhomes and whether it would be developed using a Horizontal Property Regime with a Homeowner's Association and that it would not be developed as apartments. Mr. Molchan answered that is correct, the information is in the applicant's pattern book on page 15.

Mr. Chase Salas made a motion to approve subject to all staff comments, seconded by Mr. Ken Halliburton. Upon roll call the motion was passed by the following vote:

Aye: **Jennifer Garland**
 Ken Halliburton
 Ronnie Martin
 Warren Russell
 Chase Salas
 Eddie Smotherman
 Kathy Jones

Nay: **None**

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Mandatory Referral and Right-of-Way Abandonment [2020-702] to consider abandonment of a portion of Titans Circle right-of-way and the abandonment of drainage, detention, and utility easements, Huddleston Steele Engineering, applicant.

Ms. Marina Rush summarized the mandatory referral and right-of-way abandonment from the staff report, which had been provided to the Planning Commission in the agenda packet. Ms. Marina Rush recommended that any approval be made subject to the following conditions:

1. The right-of-way and drainage easement abandonments shall be subject to the final approval of the legal instruments by the City Legal Department. The applicant shall prepare and submit legal descriptions and exhibits necessary for the City Legal Department to draft the necessary legal instruments.
2. The quitclaim deed transferring the subject ROW and easements shall be executed and recorded prior to the recording of the final plat.
3. Easements necessary for relocated utilities and drainage facilities or for any remaining easements in the abandoned ROW must be recorded simultaneously with the abandonment of the subject easements.
4. The new ROW configuration for Titans Circle must be recorded simultaneously with the abandonment of the subject ROW.
5. All recording fees shall be paid by the applicant.

Chair Kathy Jones opened the public hearing. Mr. Matthew Blomeley stated that no one registered to speak electronically for or against the request. Chair Kathy Jones closed the public hearing.

Mr. Bill Huddleston of Huddleston-Steele Engineering, Inc. was in attendance to represent the application.

Mr. Ken Halliburton made a motion to approve the mandatory referral and right-of-way abandonment subject to all staff comments and conditions, seconded by Mr. Ronnie Marin.

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Upon roll call the motion was passed by the following vote:

Aye: **Jennifer Garland**
 Ken Halliburton
 Ronnie Martin
 Warren Russell
 Chase Salas
 Eddie Smotherman
 Kathy Jones

Nay: **None**

Staff Reports and Other Business

Hear report from Planning Director regarding Planning Department processes in response to CDC guidelines during COVID-19 (novel Coronavirus) pandemic and report from Assistant Planning Director regarding schedule changes.

Mr. Greg McKnight began by making known how appreciative he was working with the Planning Commission and the Planning Department during the COVID-19 pandemic. Currently, the majority of the Planning Department staff are working from home. The last submittal process had been processed electronically online and had run smoothly. The department is on schedule working with our applicants, addressing comments and meeting deadlines as planned. There have been online Zoom video conferences and audio meetings with clients and the development community. We will continue this process and monitor weekly from the guidelines and guidance that have been put into place by the Mayor and City Manager. Lastly, Mr. McKnight complimented the Planning Department staff for being flexible, supportive, and keeping everything on track.

Mr. Warren Russell wanted to know if there have been any changes in housing permits. Mr. McKnight made known he would gather information from the Building and Codes Department regarding permit numbers and would share that data with the Planning Commission in the near future.

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Mr. Matthew Blomeley reminded the Planning Commission there would be a day meeting next Wednesday, April 29, 2020, at 1:00 p.m. It would be a Zoom video meeting and it would be televised. Also, there would be a public hearing meeting conducted on May 6, 2020, at 6:00 p.m. It is assumed that it would be a Zoom video meeting.

Zoning Ordinance amendment [2020-803] for Section 26. Off-Street Parking, Queuing, and Loading as regards joint use of required parking spaces, City of Murfreesboro Planning Department applicant. Mr. Matthew Blomeley summarized the Zoning Ordinance amendment from the staff report, which had been provided to the Planning Commission in the agenda packet.

Mr. Matthew Blomeley made known Mr. David Ives and our Planning staff have worked very hard to make improvements regarding Section 26 of the Zoning Ordinance. Mr. Blomeley requested for a public hearing to be scheduled for this Zoning Ordinance amendment.

Ms. Jennifer Garland made a motion to schedule a public hearing on May 6, 2020, seconded by Mr. Chase Salas. Upon roll call the motion was passed by the following vote:

**Aye: Jennifer Garland
Ken Halliburton
Ronnie Martin
Warren Russell
Chase Salas
Eddie Smotherman
Kathy Jones**

Nay: None

Doug Young Public Safety Training Center [2017-3079] architectural elevations for public safety training facility buildings on 8.79 acres zoned RM-16 located along New Salem Highway and Bridge Avenue, City of Murfreesboro developer. Mr. Austin Cooper summarized the architectural elevations from the staff report, which had been provided to the Planning Commission in the agenda packet. Mr. Cooper made known that all architecture-related

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comments have been addressed and he recommended approval of the elevations in order to move forward with construction.

Mr. Ken Halliburton made a motion to approve the architectural elevations subject to all staff comments, seconded by Mr. Eddie Smotherman. Upon roll call the motion was passed by the following vote:

Aye: **Jennifer Garland**
 Ken Halliburton
 Ronnie Martin
 Warren Russell
 Chase Salas
 Eddie Smotherman
 Kathy Jones

Nay: **None**

Mr. David Ives acknowledged the Communications Department, the Planning Department and the Planning Commission for everyone's hard work and participation for this meeting which is being conducted electronically.

There being no further business, the meeting adjourned at 7:31 p.m.

Chair

Secretary

GM: cj