

MURFREESBORO CITY COUNCIL
Regular Meeting Agenda
Council Chambers – City Hall – 6:00 PM
May 21, 2020

PRAYER

Mr. Kirt Wade

PLEDGE OF ALLEGIANCE

Consent Agenda

1. 2020 THDA Continuum of Care COVID-19 Pandemic Response Grant (Community Development)
2. Overall Creek FEMA MT-2 Letter of Map Revision (Development Services)
3. Community Investment Program Funds Transfer (Finance)
4. Mandatory Referral for Dedication of Waterline and Temporary Construction Easements along Burnt Knob Road (Planning)
5. Mandatory Referral for Irrigation Lines in Public Right-of-Way at Legacy Pointe (Planning)
6. Mandatory Referral for Abandonment of Sanitary Sewer Easement along Westlawn Boulevard (Planning)

Old Business

Land Use Matters

7. Ordinance 20-OZ-08: Amend the Old Fort Plaza PUD on approximately 5.4 acres located along Old Fort Parkway and Autumn Towne Way (2nd and final reading) (Planning)
8. Ordinance 20-OZ-09: Rezone approximately 0.36 acres located at the northwest corner of E Vine Street and S Bilbro Avenue (2nd and final reading) (Planning)
9. Ordinance 20-OZ-10: Rezone approximately 2.42 acres located along East College Street, N Church Street, E Lytle Street, and N Spring Street (2nd and final reading) (Planning)
10. Ordinance 20-OZ-11: Annexation and zoning of approximately 26.8 acres and 27.9 acres, respectively, located along New Salem Hwy and Barfield Rd (2nd and final reading) (Planning)
11. Ordinance 20-OZ-12: Amend the Zoning Ordinance regarding the definition of "yard," timeframes for Planning Commission review of zoning applications, outdoor storage and displays, and several other miscellaneous changes (2nd and final reading) (Planning)

New Business

Resolution

12. Resolution 20-R-10: Unclaimed Property Request (Finance)

Ordinance

13. Ordinance 20-O-15: Budget Amendment (Finance)
14. Ordinance 20-O-16: Amendment to the City Ordinance Permitting Regulated Take-out and Delivery of Beer (Finance)

Land Use Matters

15. Annexation and Plan of Services of approximately 190 linear feet 0.22 acres of Annell Drive Right-of-way (Planning)
 - a. Public Hearing: Annexation and Plan of Services
 - b. Resolution 20-R-PS-06: Plan of Services
 - c. Resolution 20-R-A-06: Annexation
16. Ordinance 20-OZ-07: Rezone approximately 1.11 acres located at the southeast corner of South Academy Street and East Sevier Street (Planning)
 - a. Public Hearing: Rezone approximately 1.11 acres
 - b. Ordinance 20-OZ-07
17. Planning Commission recommendations to Schedule Public Hearings (Planning)

Licensing

Board & Commission Appointments

18. Reappointment of Mr. Jimmy L. Tyson the Rutherford County Library Board whose term will expire June 30, 2020 (Administration)

Payment of Statements

Other Business

Adjournment

COUNCIL COMMUNICATION

Meeting Date: 05/21/2020

Item Title: 2020 THDA Continuum of Care COVID-19 Pandemic Response Grant

Department: Community Development

Presented by: Helen Glynn, Assistant Director

Requested Council Action:

- Ordinance
 - Resolution
 - Motion
 - Direction
 - Information
-

Summary

Tennessee Housing Development Agency (THDA) COVID-19 Pandemic Response Grant Application

Staff Recommendation

Approve and authorize the Mayor to execute the grant application on behalf of Rutherford County Continuum of Care (CoC).

Background Information

The 2020 COVID-19 Response Grant is funding to assist eligible non-profit service providers in reducing transmission of COVID-19 to homeless individuals. Grant funding is provided by the THDA to the City.

Council Priorities Served

Responsible budgeting

This grant leverages THDA funding to supplement local services to homeless.

Maintain public safety

Provides critical COVID-19 related services through the CoC to homeless individuals.

Fiscal Impact

No general funds are required, and the funding will provide \$50,000 for the Continuum of Care to reduce the risk of COVID transmission. Administration will be funded through CDBG funds.

Attachments

THDA COVID-19 Response Grant Application for Rutherford County CoC.

COUNCIL COMMUNICATION

Meeting Date: 05/21/2020

Item Title: Overall Creek FEMA MT-2 Letter of Map Revision

Department: Development Services

Presented by: Sam A. Huddleston, Executive Director

Requested Council Action:

- Ordinance
 - Resolution
 - Motion
 - Direction
 - Information
-

Summary

Approval of Engineering Proposal to prepare a FEMA MT-2 for Overall Creek.

Staff Recommendation

Approve the proposal, authorize the Mayor to execute the agreement, and authorize the payment of application and review fees to FEMA.

Background Information

FEMA recently made inquiry regarding the floodplain on Overall Creek upstream of Manson Pike. City staff investigated the matter and concluded that a detailed flood study was needed to respond to FEMA's inquiry. We reviewed the matter with Neel-Schaffer and Huddleston Steele and developed the attached scope for a limited area study of Overall Creek necessary to complete a FEMA MT-2 Letter of Map Revision.

Council Priorities Served

Responsible budgeting

Funding is proposed from the Stormwater Utility Fund.

Improve economic development

This project will help maintain compliance with the National Flood Insurance Program which makes flood insurance available to Murfreesboro citizens and businesses.

Maintain public safety

Accurate flood maps provide data for proper placement of new developments to reduce risks of future flood damage.

Fiscal Impact

The proposal budget of \$41,545 and review fees of approximately \$10,000 will be funded from the Stormwater Utility Fund by reimbursement of the General Fund.

Attachments

Engineering Proposal for Overall Creek FEMA MT-2 Letter of Map Revision

May 7, 2020

Mr. Sam Huddleston, P.E.
City of Murfreesboro
Executive Director of Development Services / Floodplain Administrator
111 West Vine Street
Murfreesboro, Tennessee 37130-1139

**RE: Proposal to Provide Professional Engineering Services for
Overall Creek FEMA MT-2 / Letter of Map Revision**

Dear Mr. Huddleston:

Neel-Schaffer, Inc. is pleased to present the following Professional Services Contract for the subject project. The purpose of this project is to optimize and redefine the Zone AE Base Flood Elevations (BFEs), flood inundation areas, and floodway delineation for Overall Creek through the proposed revision reach. This will be accomplished by developing an updated hydraulic model for Overall Creek that will be based on as-built topographic information. The results of the updated model and corresponding flood mapping will be used in support of a Letter of Map Revision (MT-2) application that will be submitted to FEMA for the proposed revision reach. At this time, the proposed revision reach for Overall Creek is estimated to start just downstream of the Manson Pike bridge at Overall Creek and extend upstream to just beyond the confluence of Puckett Creek / Overall Creek. Additionally, the floodplain and floodway of Puckett Creek will be analyzed and revised from the confluence with Overall Creek to upstream of the bridge at Puckett Creek Xing. If BFEs are determined to be changed significantly compared to the current effective BFEs as a result of the updated topographic information on both creeks, then floodplain/floodway mapping may need to be extended further upstream to the point where an effective tie-in can be achieved. An effective tie-in is defined as the location at which the updated BFEs are within +/- 0.5' of effective BFEs.

It is our understanding that the topographic survey data that will be used to support the MT-2 application will be provided by Huddleston-Steele Engineering, Inc.

This Contract covers the services listed below in the **Scope of Services** section.

Scope of Services

1. Order effective hydraulic model and LOMR model(s) from the FEMA Project Library.
2. Add surveyed site geometry (provided by others) to the effective hydraulic models(s) to produce corrected effective models. This information includes:
 - a. Cross-sectional geometry for as-built site grading/building pads associated with Vantage Murfreesboro Apartments.
 - b. Cross-sectional geometry for as-built site grading/building pads associated with Panther Creek Parc Apartments.
 - c. Bridge, roadway, and channel geometry for as-built Manson Pike crossing at Overall Creek.
 - d. Cross-sectional geometry for Overall Creek channel and overbanks, needed to define the updated floodplain and floodway boundaries through the revision reach.
 - e. Bridge, roadway, and channel geometry for as-built Puckett Creek Xing bridge.
 - f. Cross-sectional geometry for Puckett Creek channel and overbanks.
3. Execute the corrected effective floodplain model and calibrate/troubleshoot the model as necessary.
4. Compare results to data in the published Flood Insurance Study.
5. Determine appropriate floodway encroachment stations to optimize the floodway delineation through the revision reach.
6. Analyze feasibility of proposed grading work in the floodplain to offset impacts of developments on computed BFEs or floodway widths.
7. Provide proposed grading information to Huddleston Steele.
8. Develop updated floodplain and floodway boundaries based on corrected effective model results (existing conditions). Note: If grading work is performed in the field (by others) as a result of scope items 6 and 7, the floodplain/floodway modeling and mapping will need to be based on as-built survey information of the completed grading work.
9. Meet with City of Murfreesboro to present results and discuss strategy in presenting to FEMA and public.
10. Prepare technical report, hydraulic models, Working Topographic Map, Annotated FIRM, MT-2 application, and floodplain/floodway maps to submit to City for review.
11. Resolve City comments.
12. Prepare final MT-2 / Letter of Map Revision (LOMR) package and submit to City and FEMA (Online LOMC submittal is recommended).
13. Resolve FEMA's review comments, as necessary, and resubmit the application package.
14. Assist in developing the public notice for the LOMR.



15. Attend public meeting and/or City of Murfreesboro Council and/or Water Resources Board meeting(s) to present the LOMR to City leaders and the public and to address any questions/concerns.

Professional Fees

It is anticipated the professional fees, based on time and materials, for the above **Scope of Work** will not exceed **\$41,545.00**.

Professional fees are to be payable to Neel-Schaffer, Inc. with a term of net 30 days. These services outlined herein will not exceed **\$41,545.00** without written authorization from you.

The City will be billed monthly for services performed in the previous month. Invoices will be based on time and materials using the hourly rates and direct costs listed in **Exhibit A**.

Other Fees

If the Letter of Map Change submission cannot be considered fee-exempt, then the City will be responsible for the application fees levied by FEMA – currently \$8,250.00 for a paper submittal or \$8,000.00 for an online submittal (online submittal is recommended). It is possible that FEMA can change their fee schedule before the application submittal occurs.

Neel-Schaffer will proceed with each item contained in the scope of work only at your direction. If at any step in the scope of work, it is determined that the work is not to your expectations, Neel-Schaffer will stop work until further direction from you. You will be billed for work performed to that point. If additional services to the scope of work are required, a separate fee proposal will be prepared, and the additional services will be provided after your approval of the professional fee for the additional services.

Schedule

It is anticipated that the above Scope of Professional Services through Item 12 will be completed within eight (10) weeks after receiving the notice to proceed and required support information (topographic survey information from Huddleston Steele).

The notice to proceed may be a scanned/emailed copy of the executed professional fee proposal.

The timeframe for approval by FEMA for a LOMR is typically six to nine months from submission date.



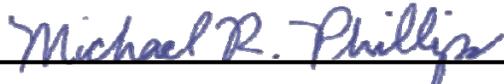
Limitations

Standard Engineering Practice will be used to develop the models, mapping, and MT-2 application. However, this proposal does not guarantee that the MT-2 application will be approved by FEMA.

See Standard Terms and Conditions, included as **Exhibit B**.

Authorization

Please return a signed copy of this proposal to Neel-Schaffer, Inc. to authorize this work and keep a copy for your files (scanned/emailed copy will suffice). Should you have any questions and/or comments, please do not hesitate to call.



Mike Phillips, P.E., CFM, Senior Project Manager
Neel-Schaffer, Inc.

Date: 05/07/2020

Authorized By:

Shane McFarland, Mayor
City of Murfreesboro

Date: _____

APPROVED AS TO FORM:

Adam Tucker, City Attorney
City of Murfreesboro

Date: _____



Exhibit A
NEEL-SCHAFFER, INC.
2020 RATE SCHEDULE FOR PROFESSIONAL SERVICES

EMPLOYEE CLASSIFICATION	POSITION	HOURLY RATE
P-7, P-8, P-9	Officer, Senior or Engineer Manager/Professional IV/Survey Manager	\$198.00
P-6	Senior Project Manager/Professional III	\$180.00
P-5	Project Manager/Professional II	\$145.00
P-4	Professional I	\$130.00
P-1, P-2, P-3	Professional Intern	\$110.00
T-6	Senior Certified Engineering Technician	\$145.00
T-5	Certified Engineering Technician/Supervisory Technician	\$125.00
T-4	Technician IV/ Inspector IV/ Surveyor IV	\$110.00*
T-3	Technician III/Inspector III//Survey Crew Chief	\$100.00*
T-2	Technician II/Inspector II/Survey Instrument Person	\$85.00*
T-1	Technician I/Inspector I/Survey Assistant	\$75.00*
T-1	Student Intern	\$45.00*
A-4	Senior Administrative	\$80.00
A-3	Senior Clerical	\$75.00*
A-2	Clerical	\$65.00*
A-1	Assistant Clerical	\$50.00*
	Three-Member Survey Party	\$201.00*
	Two-Member Survey Party	\$157.00*
	One-Member Survey Party	\$120.00*

* Hourly rates indicated for these non-exempt classifications apply to regular time. If overtime work is required to meet client's schedule, Neel-Schaffer reserves the right to negotiate overtime rates.

"Professional" positions include engineer, architect, geologist, scientist, landscape architect, and planner.

"Technician" positions include engineering, soil, architecture, planning, GIS and information technology.

REIMBURSABLE EXPENSE SCHEDULE

EXPENSE	COST
Vehicle Mileage	\$0.575/mile
Traffic Counter/Video Monitor	\$10.00/day

All other expenses, including contract reproduction/printing, travel and subsistence, parking, communications, equipment rental, postage and overnight mail, and supplies will be reimbursed at actual cost. Use State or Federal Rates for mileage, travel and subsistence where necessary and/or required.

EXHIBIT B
GENERAL TERMS AND CONDITIONS
NO CONSTRUCTION ADMINISTRATION PROVIDED

1. **Relationship between Engineer and Client.** Engineer shall serve as Client's professional engineering consultant in those phases of the Project to which this Agreement applies. The relationship is that of a buyer and seller of professional services and it is understood that the parties have not entered into any joint venture or partnership with the other. The Engineer shall not be considered to be the agent or fiduciary of the Client. To the extent that Client is a public entity or a person or entity obligated to repay some or all of an amount borrowed in a municipal securities offering, it is expressly understood and agreed that the Engineer is not acting as a municipal advisor to the Client, as that term applies to the Dodd-Frank Wall Street Reform and Consumer Protection Act and its supporting regulations, that Engineer's services will not include the provision of advice or recommendations regarding municipal financial products or the issuance of municipal securities, and that the Client is responsible for retaining an independent registered municipal advisor for such advice or recommendation.

2. **Responsibility of the Engineer.** Engineer will perform services under this Agreement in a manner consistent with that standard of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. No other representation, warranty or guarantee, expressed or implied is included or intended in this Agreement or in any report, opinion, document, or otherwise.

Design Without Construction Administration

It is understood and agreed that the Engineer's Basic Services under this Agreement do not include project observation or review of the Contractor's performance or any other construction phase services, and that such services will be provided for by the Client. The Client assumes all responsibilities for interpretation of the Contract Documents and for construction observation, and the Client waives any claims against the Engineer that may be in any way connected thereto.

In addition, the Client agrees, to the fullest extent permitted by law, to indemnify and hold harmless the Engineer, its officers, directors, employees, and subconsultants (collectively the Engineer) against all damages, liabilities or costs, arising out of or in any way connected with the performance of such services by other persons or entities and from any and all claims arising from modifications, clarifications, interpretations, adjustments or changes made to the Contract Documents to reflect changed field or other conditions, except for claims

arising from the sole negligence or willful misconduct of the Engineer.

Where the Engineer does not provide Construction Administration Services under this Agreement but the Client nevertheless requests the Engineer to attend at the Place of the Work for any reason, the Engineer will not incur any liability to the Client for having attended at the Place of the Work unless the Client makes a specific request to the Engineer in writing stating why the Client has requested the Engineer's attendance and the Engineer has agreed to attend for that sole purpose. In such event, the only responsibility of the Engineer will be to respond to the Client's specific request provided such request falls within the mandate and competence of the Engineer.

3. **Responsibility of the Client.** Client shall provide all criteria and full information as to his requirements for the Project, including budgetary limitations. Client shall arrange for Engineer to enter upon public and private property and obtain all necessary approvals and permits required from all governmental authorities having jurisdiction over the Project.

Client shall give prompt written notice to the Engineer whenever Client observes or otherwise becomes aware of any development that affects the scope or timing of Engineer's services, or any defect or nonconformance in the work of any construction contractor.

The Client shall promptly report to the Engineer any defects or suspected defects in the Engineer's services of which the Client becomes aware, so that the Engineer may take measures to minimize the consequences of such a defect. The Client further agrees to impose a similar notification requirement on all contractors in its Client/Contractor contract and shall require all subcontracts at any level to contain a like requirement. Should legal liability for the defects exist, failure by the Client and the Client's contractors or subcontractors to notify the Engineer shall relieve the Engineer of any liability for costs of remedying the defects about the sum such remedy would have cost had prompt notification been given when such defects were first discovered.

Client shall examine all documents presented by Engineer, obtain advice of an attorney or other consultant as Client deems appropriate for such examinations and provide decisions pertaining thereto within a reasonable time so as not to delay the services of the Engineer.

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4. **Designation of Authorized Representatives.** Each party shall designate one or more persons to act with authority in its behalf with respect to appropriate aspects of the Project. The persons designated shall review and respond promptly to all communications received from the party.
5. **Ownership of Documents.** Drawings, specifications, reports and any other documents prepared by Engineer in connection with any or all of the services furnished hereunder shall and remain be the property of Engineer.
6. **Reuse of Documents.** All documents, including drawings and specifications furnished by Engineer pursuant to this Agreement, are intended for use on the Project only. Client agrees they should not be used by Client or others on extensions of the Project or on any other project. Any reuse, without written verification or adaptation by Engineer, shall be at Client's sole risk, and Client shall indemnify and hold harmless Engineer from all claims, damages, losses and expenses, including attorney's fees arising out of or resulting therefrom. Client further acknowledges that any reports or studies prepared by Engineer are intended solely for the Client's use and information, and the Client shall defend and indemnify Engineer from any liabilities arising out of other entities' reliance on such reports or studies.
7. **Opinions of Cost.** Since the Engineer has no control over the cost of labor, materials, equipment or services furnished by the contractor, or over the contractor's methods of determining prices, or over competitive bidding or market conditions, the Engineer cannot and does not guarantee that proposals, bids or actual construction costs will not vary from his opinions or estimates of construction costs.
8. **Changes.** Client reserves the right by written change order or amendment to make changes in requirements, amount of work, or engineering time schedule adjustments; and Engineer and Client shall negotiate appropriate adjustments in fee and/or schedule acceptable to both parties to accommodate any changes or Additional Services.
9. **Delays.** If the Engineer's services are delayed by the Client, or for other reasons beyond the Engineer's control, the fee provided for in this Agreement shall be adjusted equitably.
10. **Subcontracts.** Engineer may subcontract portions of the services, but each subcontractor must be approved by Client in writing.
11. **Suspension of Services.** Client may, at any time, by written order to Engineer, require Engineer to stop all, or any part, of the services required by this Agreement. Upon receipt of such an order, Engineer shall immediately comply with its terms and take all reasonable steps to minimize the occurrence of costs allocable to the services covered by the order. Client, however, shall pay all costs associated with suspension including all costs necessary to maintain continuity and the staff required to resume the services upon expiration of the suspension of work order. Engineer will not be obligated to provide the same personnel employed prior to suspension when the services are resumed in the event the period of any suspension exceeds 30 days. Client will reimburse Engineer for the costs of such suspension and remobilization.
12. **Termination.** This Agreement may be terminated by either party upon 30 days' written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. This Agreement may be terminated by Client, under the same terms, whenever Client shall determine that termination is in its best interests. Cost of termination, including salaries, overhead and fee, incurred by Engineer either before or after the termination date shall be reimbursed by Client.
13. **Notices.** Any notice or designation required to be given by either party hereto shall be in writing and, unless receipt of such notice is expressly required by the terms hereof, it shall be deemed to be effectively served when deposited in the mail with sufficient first class postage affixed and addressed to the party to whom such notice is directed at such party's place of business or such other address as either party shall hereinafter furnish to the other party by written notice as herein provided.
14. **Indemnification.** Engineer shall indemnify and hold harmless Client from Client's loss or expense, including reasonable attorney's fees for claims for personal injury (including death) or property damage to the extent caused by the negligent act, error or omission of Engineer.

Client shall indemnify and hold harmless Engineer from Engineer's loss or expense, including reasonable attorney's fees, for claims for personal injuries (including death) or property damage to the extent caused by the negligent act, error or omission of Client.

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In the event of joint or concurrent negligence of Engineer and Client, each shall bear that portion of the loss or expense that its share of the joint or concurrent negligence bears to the total negligence (including that of third parties) which caused the personal injury or property damage.

Client shall not be liable to the Engineer, and the Engineer shall not be liable to the Client, for any special, incidental or consequential damages, including, but not limited to, loss of use and loss of profit, incurred by either party due to the fault of the other, regardless of the nature of this fault, or whether it was committed by the Client or the Engineer or their employees, agents or subcontractors, by reason of services rendered under this Agreement.

Engineer's indemnification obligation as set forth herein is expressly subject to and limited by the limitation of liability provision agreed upon by the Client and Engineer as set forth in Section 21, "Risk Allocation" of this Agreement.

Client waives any rights or claims for damage to persons or property that it or any of its successors in interest or insurers may have against Engineer for any claim or action arising out of Engineer's scope of services related to the Project or this Agreement, but only to the extent that such rights or claims for damages are covered by a policy of liability, casualty, property or other insurance, regardless of who procures such insurance.

15. **Legal Proceedings.** In the event Engineer's employees are at any time required by Client to provide testimony, answer interrogatories or otherwise provide information ("testimony") in preparation for or at a trial, hearing, proceeding on inquiry ("proceeding") arising out of the services that are the subject of this Agreement, where Engineer is not a party to such proceeding, Client will compensate Engineer for its services and reimburse Engineer for all related direct costs incurred in connection with providing such testimony. This provision shall be of no effect if the parties have agreed in a separate agreement or an amendment to this Agreement to terms which specifically supersede this provision, nor shall this provision apply in the event Client engages Engineer to provide expert testimony or litigation support, which services shall be the subject of a separate agreement or an amendment to this Agreement.

16. **Successors and Assigns.** The terms of this Agreement shall be binding upon and inure to the benefit of the parties and their respective successors

and assigns; provided however, that neither party shall assign this Agreement in whole or in part without the prior written approval of the other.

17. **Insurance.** Engineer agrees to maintain the following insurance coverages with the following available limits of insurance during the performance of Engineer's work hereunder:

- (a) Commercial General Liability insurance with standard ISO coverage and available limits of \$1,000,000 per occurrence and \$2,000,000 general aggregate;
- (b) Automobile Liability insurance with standard ISO coverage and available combined single limits of \$1,000,000 per accident;
- (c) Worker's Compensation insurance with limits as required by statute and Employer's Liability insurance with limits of \$1,000,000 per employee for bodily injury by accident/\$1,000,000 per employee for bodily injury by disease/\$1,000,000 policy limit for disease; and
- (d) Professional Liability insurance covering Engineer's negligent acts, errors, or omissions in the performance of professional services with available limits of \$1,000,000 per claim and annual aggregate.

Engineer shall provide evidence of procuring the above insurance coverages by delivering a certificate of insurance to Client prior to the start of Engineer's work and annually upon renewal of coverage. Engineer shall cause Client to be named as an additional insured on Engineer's commercial general liability policy, which shall be primary and noncontributory.

18. **Information Provided by the Client.** The Engineer shall indicate to the Client the information needed for rendering of services hereunder. The Client may elect to provide this information (including services by others) to the Engineer. In this case, the Client recognizes that the Engineer cannot assure the sufficiency of such information. Accordingly, the Engineer shall not be liable for any claims for injury or loss arising from errors, omissions or inaccuracies in documents or other information provided by the Client. In addition, the Client agrees to compensate the Engineer for any time spent or expenses incurred in defending such claim or in making revisions to his work as a direct or indirect result of information provided by the Client which is insufficient.

19. **Subsurface Conditions and Utilities.** Client recognizes that a comprehensive sampling and testing program implemented by trained and experienced personnel of Engineer or Engineer's subconsultants with appropriate equipment may fail to detect certain hidden conditions. Client also

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recognizes that actual environmental, geological and geotechnical conditions that Engineer properly inferred to exist between sampling points may differ significantly from those that actually exist.

Engineer will locate utilities which will affect the project from information provided by the Client and utility companies and from Engineer's surveys. In that these utility locations are based, at least in part, on information from others, Engineer cannot and does not warrant their completeness and accuracy.

20. **Hazardous Materials.** When hazardous materials are known, assumed or suspected to exist at a project site, Engineer is required to take appropriate precautions to protect the health and safety of his personnel, to comply with the applicable laws and regulations and to follow procedures deemed prudent to minimize physical risks to employees and the public. Client hereby warrants that, if he knows or has any reason to assume or suspect that hazardous materials may exist at the project site, he will inform Engineer in writing prior to initiation of services under this Agreement.

Hazardous materials may exist at a site where there is no reason to believe they could or should be present. Client agrees that the discovery of unanticipated hazardous materials constitutes a changed condition mandating a renegotiation of the scope of work or termination of services. Engineer agrees to notify Client as soon as practically possible should unanticipated hazardous materials or suspected hazardous materials be encountered. Client waives any claim against Engineer and agrees to indemnify, defend and hold Engineer harmless from any claim or liability for injury or loss arising from Engineer's encountering unanticipated hazardous materials or suspected hazardous materials. Client also agrees to compensate Engineer for any time spent and expenses incurred by Engineer in defense of any such claim.

21. **Risk Allocation.** In light of the relative risks and rewards of the parties, Client and Engineer have allocated the risks such that the Client agrees to limit Engineer's liability to the Client arising from this Agreement such that the total aggregate liability of the Engineer shall not exceed \$50,000 or the Engineer's total fee for the services rendered on this project, whichever is greater.
22. **Anticipated Change Orders.** Client recognizes and expects that a certain amount of imprecision and incompleteness is to be expected in construction contract documents; that contractors are expected to furnish and perform work, materials and equipment

that may reasonably be inferred from the contract documents or from the prevailing custom or trade usage as being required to produce the intended result whether or not specifically called for; and that a certain amount of change orders are to be expected. As long as Engineer provides services in a manner consistent with that standard of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions, client agrees not to make any claim against Engineer for cost of these change orders unless these costs become a significant part of the construction contract amount. In no case will Client make claim against Engineer for costs incurred if the change order work is a necessary part of the Project for which Client would have incurred cost if work had been included originally in the contract documents unless Client can demonstrate that such costs were higher through issuance of the change order than they would have been if originally included in the contract documents in which case any claim of Client against Engineer will be limited to the cost increase and not the entire cost of the change order.

23. **Payment.** Engineer shall submit monthly invoices, or invoice submittal will be as noted in the agreement, to the Client. Payment in full shall be due upon receipt of the invoice. Payment of any invoices by the Client shall be taken to mean that the Client is satisfied with the Engineer's services to the date of the payment and is not aware of any deficiencies in those services. If payments are delinquent after 30 days from invoice date, the Client agrees to pay interest on the unpaid balance at the rate of one percent (1%) per month. Payment will be credited first to any interest owed then to principal. If the Client fails to make payments, the Engineer, after giving seven (7) days written notice to the Client, may suspend services until the Client has paid in full all amounts due for services, expenses, and other related charges, without recourse to the Client for loss or damage caused by such suspension. The Client further waives any and all claims against the Engineer for any such suspension. Payment for Engineer's services is not contingent on any factor, except the Engineer's ability to provide services in a manner consistent with that standard of care and skill ordinarily exercised by members of the profession currently practicing in the same locality under similar conditions. Payment of invoices shall not be subject to any discounts, set-offs or back-charges unless agreed to in writing by both parties. If the Client contests an invoice, the Client may withhold only that portion so contested and pay the undisputed portion, after the Client has notified the Engineer in

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writing within 30 days of receiving the invoice and shall identify the specific cause of the disagreement and the amount in dispute.

If Engineer brings any action at law or in equity to enforce or interpret the terms of this Agreement, or if Engineer must either prosecute or defend any action related to the subject matter of the Agreement, and prevails in such action, then Engineer shall be entitled to reasonable attorney's fees, expenses and costs, including expert witness fees, if applicable.

24. **Force Majeure.** Neither Client nor Engineer shall be liable for any fault or delay caused by any contingency beyond their control, including, but not limited to, acts of God, wars, strikes, walkouts, fires, natural calamities, or demands or requirements of governmental agencies.
25. **Compliance with Laws.** To the extent they apply to its employees or its services, the Engineer shall exercise due professional care to comply with all applicable United States, state, territorial and commonwealth laws, including ordinances of any political subdivisions or agencies of the United States, any state, territory or commonwealth thereof.
26. **Separate Provisions.** If any provisions of this Agreement are held to be invalid or unenforceable, the remaining provisions shall be valid and binding.
27. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the state or jurisdiction in which the Project is located.
28. **Dispute Resolution.** All disputes, controversies or claims, of whatever kind or character, between the Parties, their agents and/or principals, arising out of or in connection with the subject matter of this Agreement shall be litigated only before a judge hearing the matter alone, as both finder of fact and law, without a jury.
- By entering into this agreement, the parties knowingly, purposefully and intelligently agree to waive their individual rights to have any dispute, controversy or claim amongst and between them, to include the Contractor's individual Shareholders, Directors and Officers, decided, heard or adjudged by a trial by jury.
29. **Additional Services.** Services resulting from significant changes in the general scope, extent or character of the Project designed or specified by Engineer or its design including, but not limited to, changes in size, complexity, Client's schedule, construction schedule, character of construction or

method of financing; and revising previously accepted studies, reports, design documents or Contract Documents when such revisions are required by changes in laws, rules, regulations, ordinances, codes or orders enacted subsequent to the preparation of such studies, reports or documents, or are due to any other causes beyond Engineer's control.

30. **Amendment.** This Agreement shall not be subject to amendment unless another instrument is executed by duly authorized representatives of each of the parties.
31. **Entire Understanding of Agreement.** This Agreement represents and incorporates the entire understanding of the parties hereto, and each party acknowledges that there are no warranties, representations, covenants or understandings of any kind, matter or description whatsoever, made by either party to the other except as expressly set forth herein. Client and Engineer hereby agree that any purchase orders, invoices, confirmations, acknowledgments or other similar documents executed or delivered with respect to the subject matter hereof that conflict with the terms of this Agreement shall be null, void and without effect to the extent they conflict with the terms of this Agreement.
32. **Survival of Provisions.** The provisions of this Agreement shall continue to be binding upon the parties hereto notwithstanding termination of this Agreement for any reason.
33. **Nonwaiver.** No waiver by a party of any provision of this Agreement shall be deemed to have been made unless in writing and signed by such party.
34. **Identity of Project Client.** Within ten (10) days of the entry of this Agreement, Client, if Client is not the Project Client, shall provide to Engineer the following information relative to the Project Client: Project Client's full legal name; Project Client's physical address; Project Client's mailing address; and the name, physical address and mailing address of the Client's point of contact with the Client for the Project.
35. **Conflicting Terms.** In the event that there are multiple agreements with varying or conflicting terms and conditions between Client and Engineer, the Terms and Conditions contained in this Agreement shall supersede and have precedence over any other terms and conditions contained in any other written or oral agreement entered into between Client and Engineer that either actually do or appear to conflict with the Terms and Conditions contained

EXHIBIT B
GENERAL TERMS AND CONDITIONS
NO CONSTRUCTION ADMINISTRATION PROVIDED

in this Agreement, regardless of when, in relationship to these Terms and Conditions contained in this Agreement, such other written or oral agreement was actually entered into between Client and Engineer.

36. **Course of Dealing.** Client and Engineer agree that these General Terms and Conditions establish a course of dealing between them and shall apply to this and all other services, projects, agreements or dealings between the them, unless Client or Engineer gives the other written notice of objection to any term or condition before commencement of performance in connection with any other provision of services or projects involving the two of them.



... creating a better quality of life

CIP Funds Transfer Request

Mr. Tindall:

Submitted for your approval is the following request to transfer CIP funds.

CIP Loan 2018 Bond

Transfer CIP funds from:

Transfer CIP funds to:

Kingdom Drive Bridge \$ (14,550.00)

Joe B. Jackson Pkwy Phase 2 \$ 14,550.00

TOTAL TRANSFER \$ (14,550.00)

TOTAL TRANSFER \$ 14,550.00

Explanation: \$14,550 is needed to close out the Joe B. Jackson Phase 2 project. The final payment had been reduced by this amount pending the resolution of a dispute with a sub-contractor. Now that it has been resolved, payment has been requested. There are funds available in the Kingdom Drive Bridge project. Transferring this amount to the Joe B. Jackson Pkwy Phase 2 project would leave a balance of \$10,658.67.

[Signature]
Budget Director Signature

5-14-20
Date

[Signature]
Reviewed by Finance

5-14-20
Date

Approved

[Signature]
City Manager

Declined

5.14.20
Date

Please send the original to Vicki Massey, Finance & Tax Dept., once all signatures have been obtained.

COUNCIL COMMUNICATION

Meeting Date: 05/21/2020

Item Title: Community Investment Program Funds Transfer

Department: Finance

Presented by: Melissa Wright

Requested Council Action:

- Ordinance
 - Resolution
 - Motion
 - Direction
 - Information
-

Summary

Notification to Council of City Manager approved Community Investment Program (CIP) funds transfer.

Background Information

Funding for capital improvement projects is provided by Loans / Bonds. Funds are allocated to projects in the CIP that is approved annually by Council. Reallocation of these funds sometimes becomes necessary when circumstances change. Requests for CIP Funds Transfers are submitted to the City Manager for approval and then placed on the Consent Agenda to serve as notification to Council. The following CIP Funds Transfer has been approved:

Joe B. Jackson Parkway Phase 2

Transfer \$14,550 from the Kingdom Drive Bridge project to the Joe B. Jackson Parkway Phase 2 project.

Council Priorities Served

Responsible budgeting

CIP Fund Transfers reallocate available resources in an efficient manner after receiving City Manager approval.

Fiscal Impact

The transfer within the CIP Funds will have no effect on the CIP Funds balance.

Attachments

CIP Funds Transfer Request – Joe B. Jackson Parkway Phase 2

COUNCIL COMMUNICATION

Meeting Date: 05/21/2020

Item Title: Mandatory Referral for Dedication of Waterline and Temporary Construction Easements along Burnt Knob Road

Department: Planning

Presented by: Matthew Blomeley, AICP, Assistant Planning Director

Requested Council Action:

- Ordinance
 - Resolution
 - Motion
 - Direction
 - Information
-

Summary

Consider request to allow the dedication of waterline and temporary construction easements on City-owned property south of Burnt Knob Road.

Staff Recommendation

Approve the mandatory referral request.

The Planning Commission voted to recommend approval on May 6, 2020.

Background Information

North Boulevard Church of Christ proposes to construct 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 proposed building. In this mandatory referral, Council is being asked to consider approving the dedication of a Consolidated Utility District (CUD) waterline easement, as well as a temporary construction easement for the proposed water line construction, on City-owned property located along the south side of Burnt Knob Road. The dedication of the easements will help to facilitate the construction of approximately 1,790 linear feet of CUD water line.

The attached Planning Commission staff report includes a map depicting the requested easements. It is worth noting that the easements are proposed to be recorded to the western limits of the City-owned property, which is further west than the church needs. Recording the easement all the way to the western limits of the property will assist in enabling the future construction of the water line infrastructure to the parcels to the west along Veterans Parkway to help facilitate their development. The easements will be recorded by a legal instrument with a description and exhibit that will dedicate these easements to CUD. As an aside, 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 additional right-of-way dedication is shown on the attached exhibit but will be recorded in a separate document and is not a part of this mandatory referral request.

Council Priorities Served

Expand Infrastructure

Allowing the dedication of the easements on the City-owned property will allow for the construction of water infrastructure to serve the properties along Burnt Knob Road and Veterans Parkway.

Improve Economic Development

Allowing the dedication of the easements on the City-owned property will allow for the construction of water infrastructure to serve the properties along Burnt Knob Road and Veterans Parkway, several of which are zoned commercial and are expected to develop with commercial uses to serve the I-840/Veterans Parkway interchange, creating sales tax revenues for the City upon development and creating jobs.

Attachments:

1. Staff comments from May 6th Planning Commission meeting
2. Letter and exhibits from applicant

**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.



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.

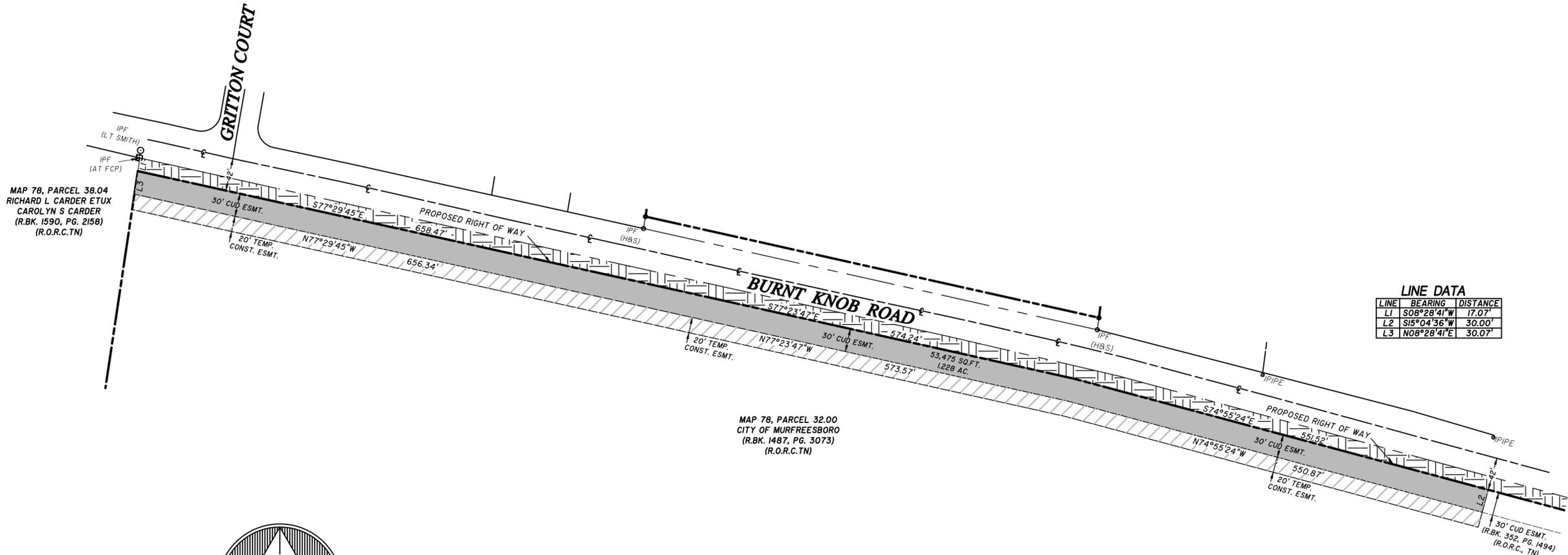
If you should have any questions concerning this letter, please feel free to call me at (615) 890-7901 or via email at mtaylor@sec-civil.com

Sincerely,



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

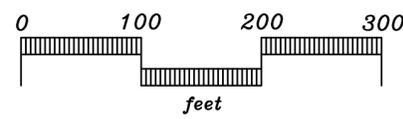
OWNER:
 CITY OF MURFREESBORO
 III W. VINE ST.
 MURFREESBORO, TN 37130
 MAP 78, PARCEL 32.00
 R.BK. 1487, PG. 3073
 30' WIDE CUD ESMT. AREA = 1.228 ± ACRES



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'

MAP 78, PARCEL 32.00
 CITY OF MURFREESBORO
 (R.BK. 1487, PG. 3073)
 (R.O.R.C.TN)



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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COUNCIL COMMUNICATION

Meeting Date: 05/21/2020

Item Title: Mandatory Referral for Irrigation Lines in Public Right-of-Way at Legacy Pointe

Department: Planning

Presented by: Matthew Blomeley, AICP, Assistant Planning Director

Requested Council Action:

- | | |
|-------------|-------------------------------------|
| Ordinance | <input type="checkbox"/> |
| Resolution | <input type="checkbox"/> |
| Motion | <input checked="" type="checkbox"/> |
| Direction | <input type="checkbox"/> |
| Information | <input type="checkbox"/> |
-

Summary

Consider request to allow installation of irrigation lines in the public right-of-way in the Legacy Pointe development.

Staff Recommendation

Approve the mandatory referral request.

The Planning Commission voted to recommend approval on May 6, 2020.

Background Information

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 [2020-709], Council 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. Similar mandatory referrals were approved for the Blackman Station and Blackman Village developments located along 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.

Council Priorities Served

Expand Infrastructure

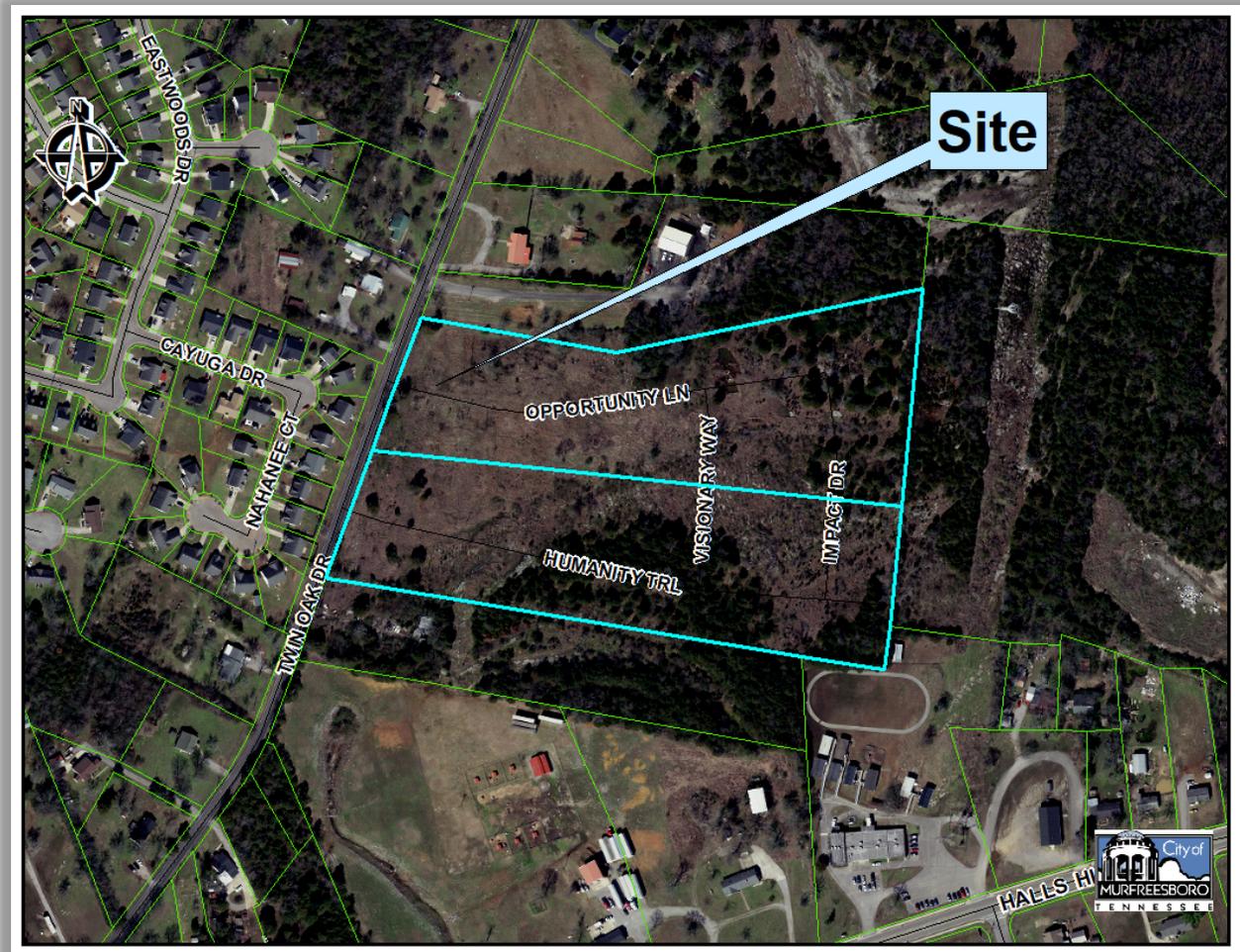
Allowing the installation of the irrigation lines will enable the required landscaping within this development to be properly irrigated in order to promote its survival.

Attachments:

1. Staff comments from April 29th Planning Commission meeting
2. Memorandum from Legal Department
3. Letter and exhibits from applicant

**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.**



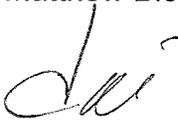
Legacy Pointe is a single-family residential development located along the east side of Twin Oak Drive. It is currently under development but the final plat has not yet been recorded. It is zoned RS-6 (Single-Family Residential District) and will consist of single-family detached homes on individual 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: _____

COUNCIL COMMUNICATION

Meeting Date: 05/21/2020

Item Title: Mandatory Referral for Abandonment of Sanitary Sewer Easement along Westlawn Boulevard

Department: Planning

Presented by: Matthew Blomeley, AICP, Assistant Planning Director

Requested Council Action:

- Ordinance
 - Resolution
 - Motion
 - Direction
 - Information
-

Summary

Consider request to allow abandonment of sanitary sewer easement south of Westlawn Boulevard.

Staff Recommendation

Approve the mandatory referral request.

The Planning Commission voted to recommend approval on May 6, 2020.

The Water Resources Board voted to recommend approval on April 28, 2020.

Background Information

In this mandatory referral [2020-710], Council is being asked to consider the abandonment of a sanitary sewer easement south of Westlawn Boulevard. This easement abandonment request is from Ragan-Smith on behalf of MAB Murfreesboro, LLC, the developer of the Westlawn Pavilion shopping center. 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 no longer accurate. The developer will dedicate a new sanitary sewer easement once the sanitary sewer infrastructure for the development is constructed.

The Water Resources Department concurs with the request and the Water Resources Board recommended approval of 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.

Council Priorities Served

Expand Infrastructure

The abandonment of this easement is part of a larger plan to construct sanitary sewer infrastructure to facilitate the development of this property.

Improve Economic Development

The abandonment of this easement is part of a larger development plan for this property for a grocery store-anchored shopping center, which will generate tax revenue for the City and create jobs.

Attachments:

1. Staff comments from May 6th Planning Commission meeting
2. Letter and exhibits from applicant

**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

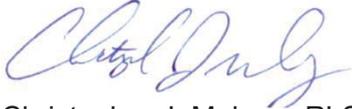
Ms. Valerie Smith
April 16, 2020
Page 2

RAGAN•SMITH

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

Sincerely,

RAGAN-SMITH ASSOCIATES, INC.

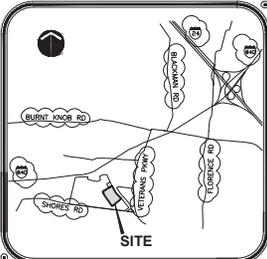
A handwritten signature in blue ink, appearing to read "Chris Mabery".

Christopher J. Mabery, RLS
Survey Project Manager

CJM:kal

Enclosures

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



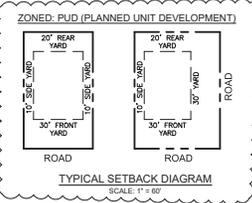
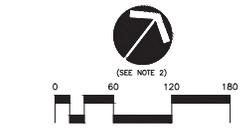
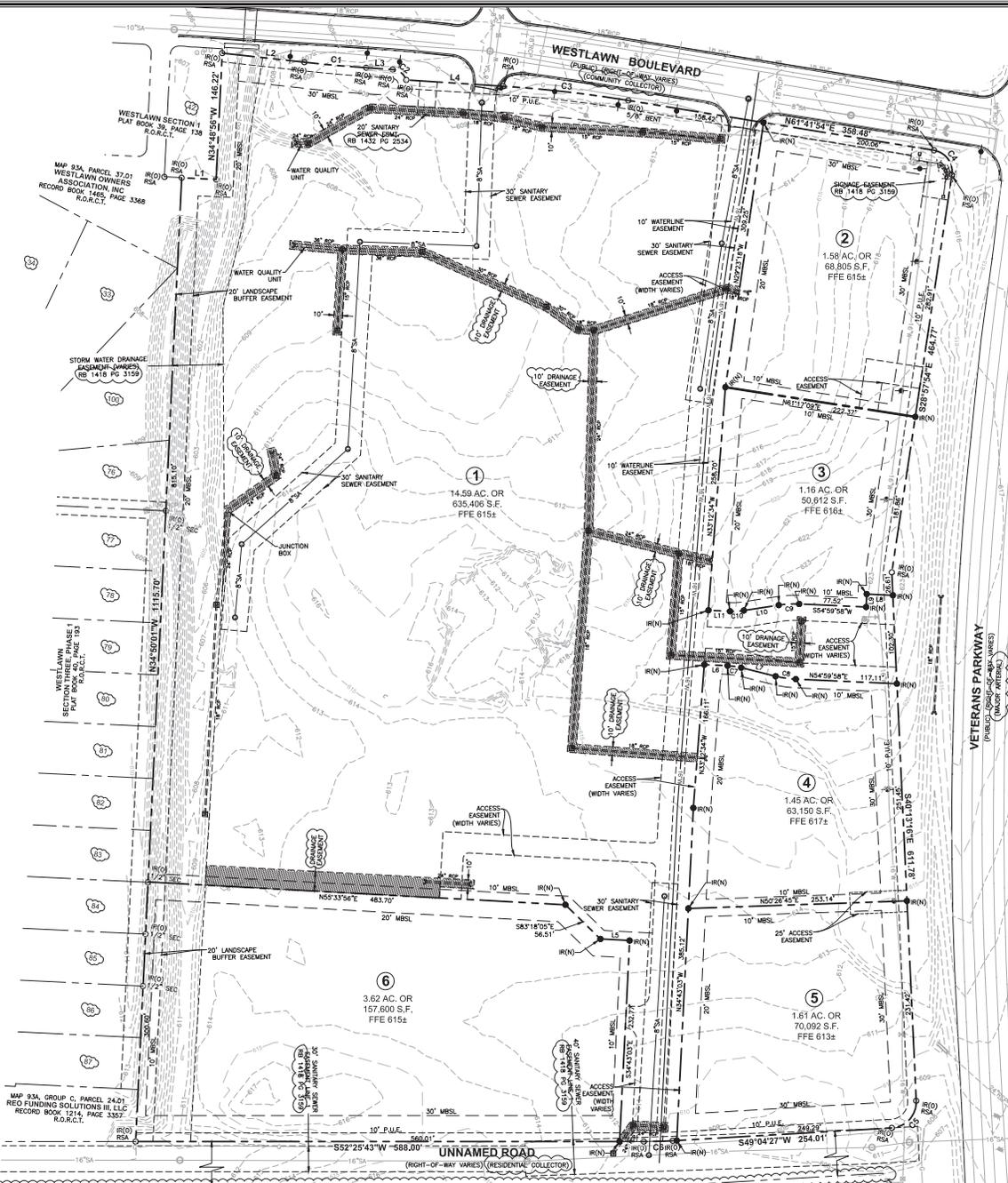
LOCATION MAP
(NOT TO SCALE)

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: RECONNET. 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 OUTCUTLUM 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 MENTION "ACT", 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 ALSO TO 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)	1/2" x 1/4" 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	—S	LIGHT STANDARD
□	ELECTRIC BOX	—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		LINE TABLE	
LOT	SQUARE FEET ACREAGE	LINE	BEARING DISTANCE
1	635,406 14.59	L1	N05°07'23"E 39.90'
2	68,805 1.58	L2	N04°44'14"E 95.63'
3	60,612 1.16	L3	N06°20'02"E 30.67'
4	63,150 1.45	L4	N06°08'50"E 112.46'
5	70,092 1.61	L5	N05°33'56"E 33.85'
6	157,600 3.62	L6	N04°59'58"E 26.99'
		L7	N66°21'53"E 40.99'
		L8	S50°13'00"E 30.42'
		L9	S33°01'07"E 15.00'
		L10	S43°38'02"W 40.99'
		L11	S45°59'58"W 25.02'
TOTAL	1,045,658 24.01		

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'	57°33'58"	72.92'	145.67'	N58°53'37"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°40'57"E
C8	118.50'	23.70'	11°21'56"	11.89'	23.67'	N60°40'57"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 WOODLAND BLVD., SUITE 100
MURFREESBORO, TN 37129
CONTACT: CHRISTOPHER J. MAREY
EMAIL: CMarey@ragansmith.com

NOTES

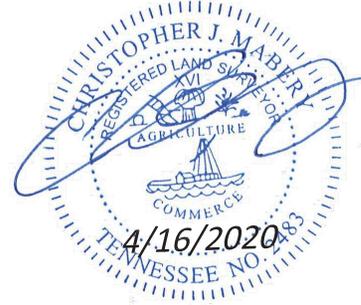
1. THE PURPOSE OF THIS EXHIBIT IS TO ABANDON THE EXISTING 20' SANITARY SEWER EASEMENT "A" OF RECORD IN RECORD BOOK 1432, PAGE 2534, R.O.R.C.T.
2. THIS EXHIBIT IS NOT A GENERAL PROPERTY SURVEY AS DEFINED UNDER RULE 0820.03-7.



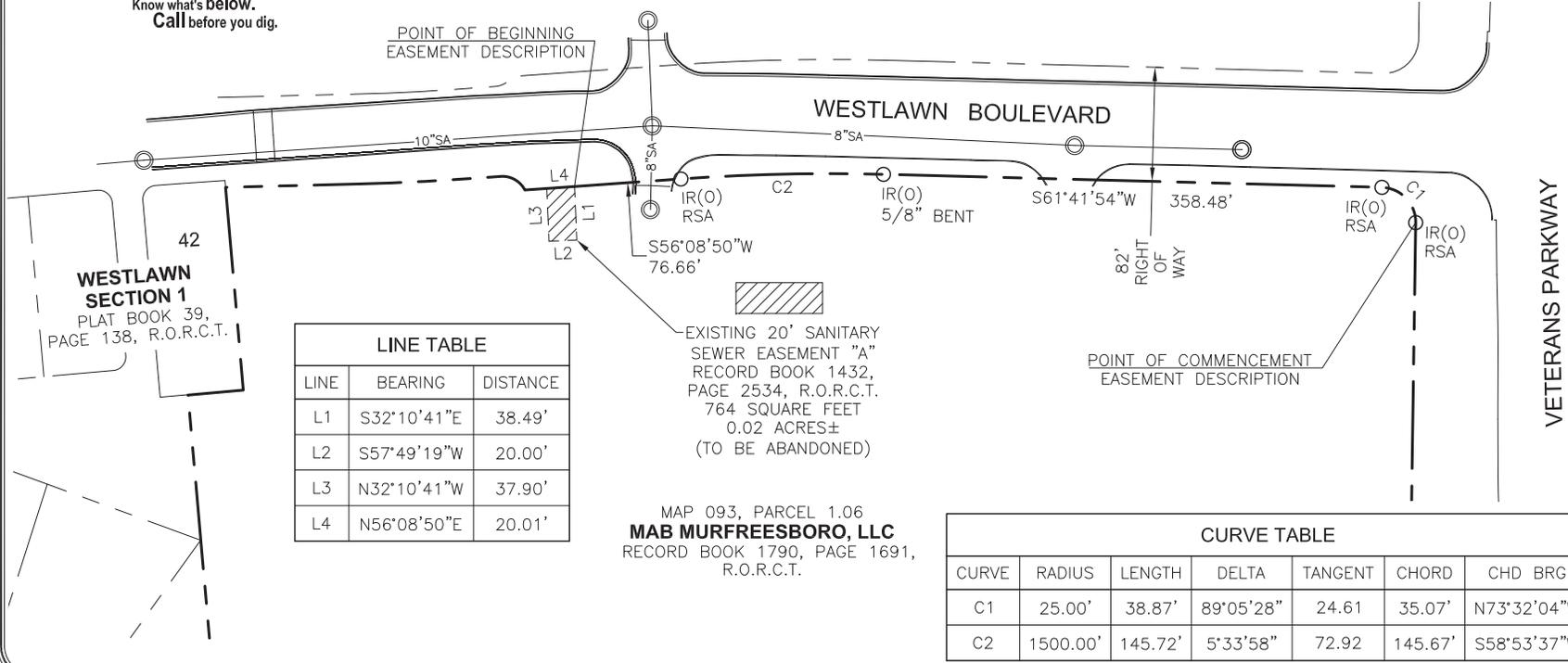
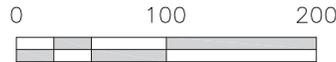
Know what's below.
Call before you dig.

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.

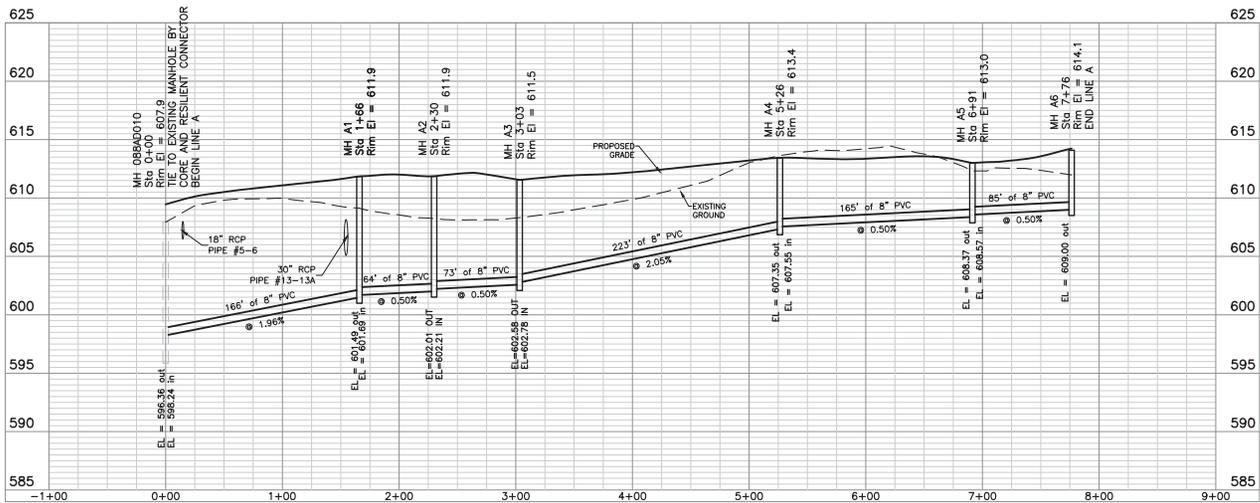
CURVE TABLE						
CURVE	RADIUS	LENGTH	DELTA	TANGENT	CHORD	CHD BRG
C1	25.00'	38.87'	89°05'28"	24.61	35.07'	N73°32'04"W
C2	1500.00'	145.72'	5°33'58"	72.92	145.67'	S58°53'37"W

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

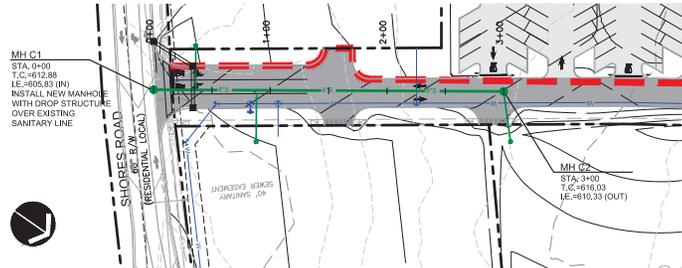
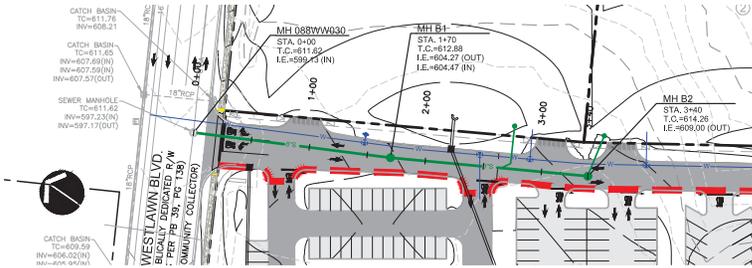
DATE	APRIL 16, 2020
APPROVED:	CJM
DRAWN:	CJM
SCALE:	1" = 100'
JOB NO.	06036
WK. ORDER	0885

LINE "A"

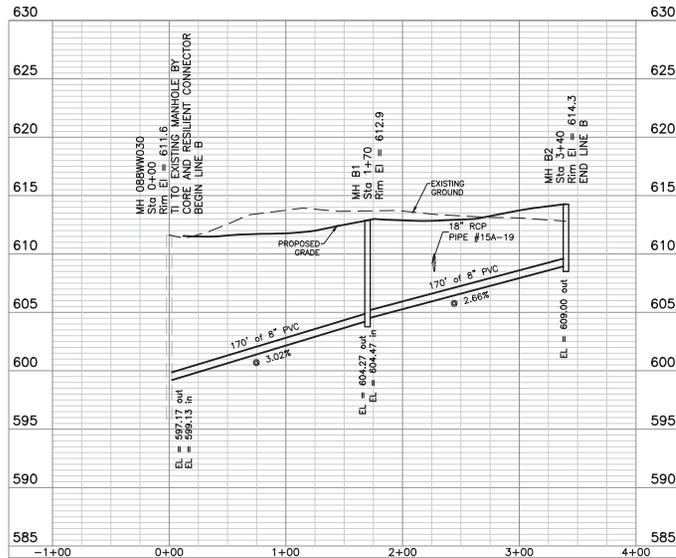


SEWER NOTES:

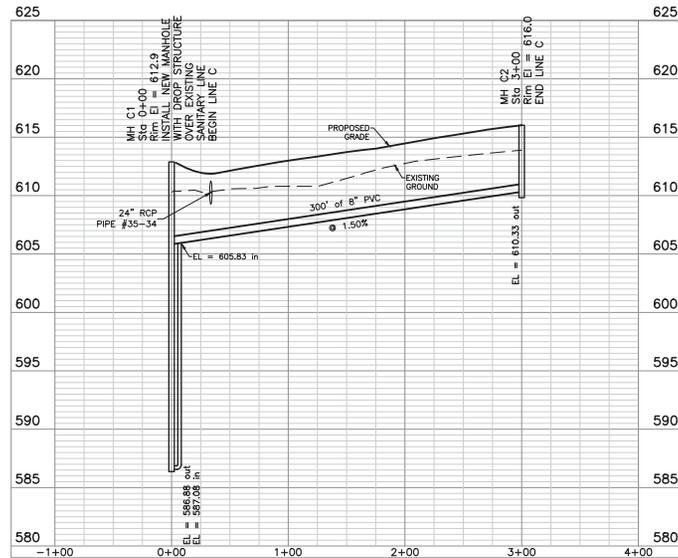
1. COMPLETE SPECIFICATIONS FOR THE SEWER LINES, "SEWER LINE SPECIFICATIONS AND DRAWINGS", MARCH 2014 ED., ARE ON FILE AT THE MURFREESBORO WATER RESOURCES DEPARTMENT ENGINEERING ANNEX AND CAN ALSO BE FOUND ONLINE AT [HTTP://WWW.MURFREESBORO.TN.GOV/INDEX.ASP?X7ND=284](http://WWW.MURFREESBORO.TN.GOV/INDEX.ASP?X7ND=284).
2. SEWER CONSTRUCTION MUST BE IN ACCORDANCE WITH ALL MWRD SPECIFICATIONS AND DRAWINGS.
3. CONTRACTOR MUST HAVE A STATE OF TENNESSEE LICENSE, MUNICIPAL UTILITY (MU) CLASSIFICATION, TO PERFORM WORK.
4. TRENCH CHECK DAMS, AS CALLED OUT IN THE MWRD SPECIFICATIONS, ARE TO BE INSTALLED AT THE DISCRETION OF THE WATER RESOURCES DEPARTMENT.
5. THE EXISTING SEWER MAINS AND/OR MANHOLES MUST BE TESTED / TELEVIEWED BEFORE AND AFTER CONSTRUCTION, SHOULD THE SEWER NOT BE TESTED / TELEVIEWED PRIOR TO CONSTRUCTION ANY DEFECTS FOUND AFTER CONSTRUCTION WILL BE THE RESPONSIBILITY OF THE CONTRACTOR TO REPAIR AT HIS OR HER EXPENSE.
6. ALL PROPOSED MANHOLES MUST BE WRAPPED IN A CONCRETE, OR AN APPROVED EQUAL, 12" MINIMUM WATER AND SOIL BARRIER WRAP AT EACH MANHOLE SECTION JOINT AND AT ANY OTHER MANHOLE COMPONENT AS DIRECTED BY MWRD.
7. NO MORE THAN 25 PERCENT OF THE DOLLAR AMOUNT OF THE CONTRACT MAY BE AWARDED TO SUBCONTRACTORS.
8. A MAXIMUM OF 2 - 6" (6 IN.) ADJUSTMENT RINGS WILL BE ALLOWED PER ANY EXISTING OR PROPOSED MANHOLES ASSOCIATED WITH THIS INSTALLATION. IF ANY MANHOLE REQUIRES ADJUSTMENT BEYOND THE 2 - 6" ADJUSTMENT RINGS ALLOWED THEN THE CONTRACTOR MUST REMOVE, ADJUST, OR ADD BARREL SECTIONS TO THE MANHOLE TO GET IT TO GRADE AT HIS OR HER OWN EXPENSE.
9. ALL NEWLY CONSTRUCTED SANITARY SEWER MAINS, REHABILITATED SANITARY SEWER, LATERALS AND MAINS, EXISTING SANITARY SEWER MAINS THAT INTERFERE UNDER OR OVER A NEWLY CONSTRUCTED OR REMOVED UTILITY, OR ANY SEWER MAIN THAT HAS BEEN PHYSICALLY ALTERED IN ANY WAY MUST BE FULLY TELEVIEWED VIA AN IN-LINE CLOSED CIRCUIT TELEVISION (CCTV) POST CONSTRUCTION SURVEY FULLY COMPLIANT WITH THE GUIDELINES SET FORTH BY THE NORTH AMERICAN SANITARY SEWER COMPANY'S (NASSCO) PIPELINE ASSESSMENT CERTIFICATION PROGRAM (PACP) AT THE EXPENSE OF THE CONTRACTOR.



LINE "B"



LINE "C"



SCALES:

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

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



NO.	DATE	DESCRIPTION
1	12/25/2019	FOR CITY COMMENTS
2	03/18/2020	ISSUE FOR BID
3	04/16/2020	FOR PERMIT

SANITARY SEWER PLAN AND PROFILE

C4.6

COUNCIL COMMUNICATION

Meeting Date: 05/21/2020

Item Title: Amending the Old Fort Plaza PUD along Old Fort Parkway
[Second Reading]

Department: Planning

Presented by: Matthew Blomeley, AICP, Assistant Planning Director

Requested Council Action:

Ordinance	<input checked="" type="checkbox"/>
Resolution	<input type="checkbox"/>
Motion	<input type="checkbox"/>
Direction	<input type="checkbox"/>
Information	<input type="checkbox"/>

Summary

Amend the Old Fort Plaza PUD on approximately 5.4 acres located along Old Fort Parkway and Autumn Towne Way.

Staff Recommendation

Enact the ordinance amending the zoning as requested.

The Planning Commission recommended approval of the rezoning.

Background Information

Autumn Plaza Partners presented a zoning application [2019-447] to amend the Old Fort Plaza PUD (Planned Unit District) zoning on approximately 5.4 acres located along Old Fort Parkway and Autumn Towne Way. During its regular meeting on March 11, 2020, the Planning Commission conducted a public hearing on this matter and then voted to recommend its approval.

On May 7, 2020 Council held a public hearing and approved this matter on First Reading.

Council Priorities Served

Improve Economic Development

This zoning amendment will enable Phases 2 and 3 of this development, consisting of an assisted living facility and senior housing, to move forward, creating jobs and generating increased property tax revenues on an otherwise difficult piece of property to develop.

Attachments:

Ordinance 20-OZ-08

ORDINANCE 20-OZ-08 amending the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as heretofore amended and as now in force and effect, to amend the conditions applicable to approximately 5.4 acres in the Planned Unit Development (PUD) District (Old Fort Plaza PUD) located along Old Fort Parkway as indicated on the attached map; Autumn Plaza Partners, applicant [2019-447].

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. That the same having been heretofore recommended to the City Council by the City Planning Commission, the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as herein referred to, adopted and made a part of this Ordinance as heretofore amended and as now in force and effect, be and the same are hereby amended so as to modify the conditions of the Planned Unit Development (PUD) District, as indicated on the attached map, for the purpose of modifying the site and building design.

SECTION 2. That, from and after the effective date hereof, the area depicted on the attached map shall be subject to all the terms and provisions of said Ordinance applicable to such districts, the plans and specifications filed by the applicant, and any additional conditions and stipulations set forth in the minutes of the Planning Commission and City Council relating to this zoning request. The City Planning Commission is hereby authorized and directed to make such changes in and additions to said Zoning Map as may be necessary to show thereon that said area of the City is zoned as indicated on the attached map. This zoning change shall not affect the applicability of any overlay zone to the area.

SECTION 3. That this Ordinance shall take effect fifteen (15) days after its passage upon second and final reading, the public welfare and the welfare of the City requiring it.

Passed:

1st reading _____

2nd reading _____

Shane McFarland, Mayor

ATTEST:

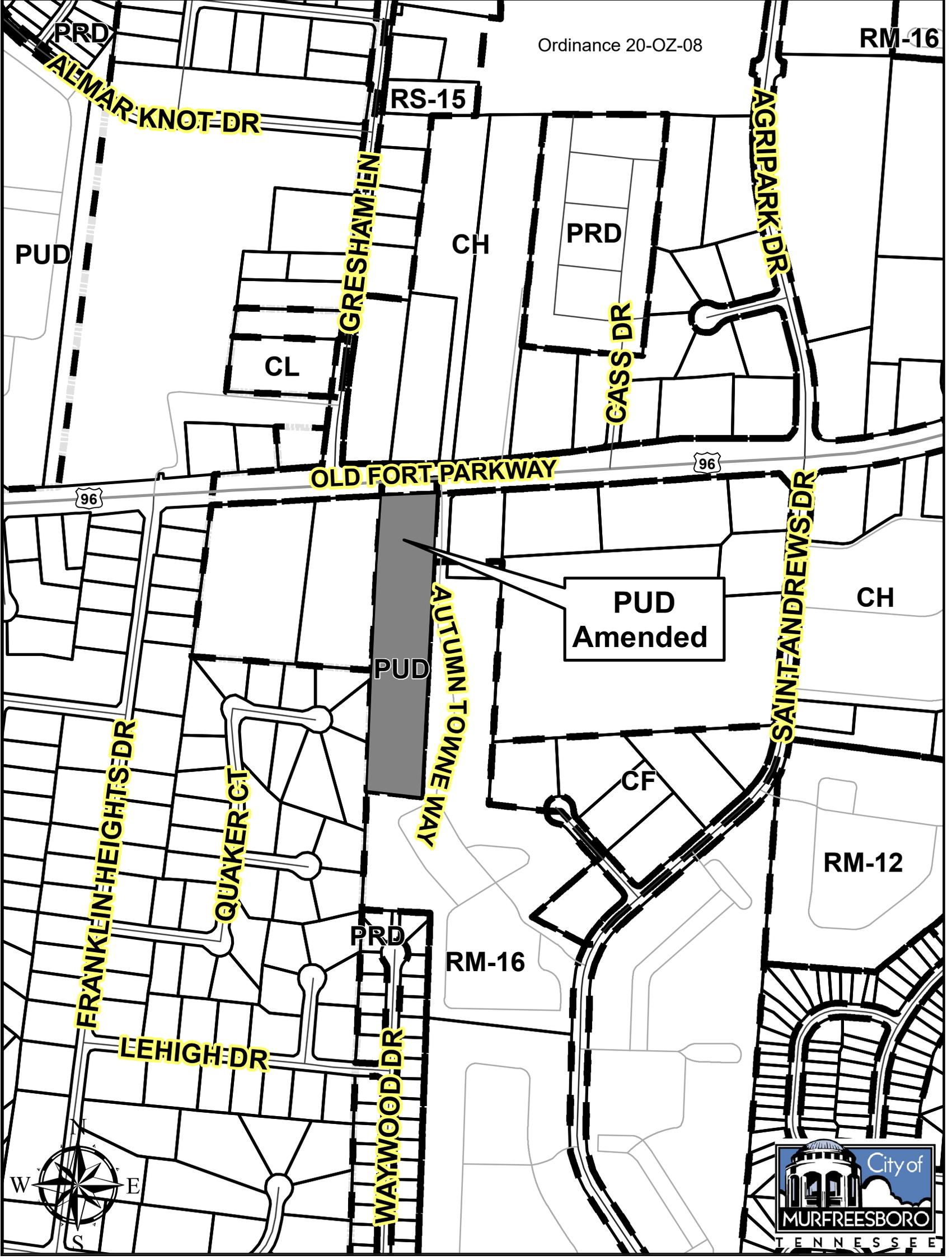
Melissa B. Wright
City Recorder

APPROVED AS TO FORM:

DocuSigned by:
Adam F. Tucker

43A2035E51F8401...
Adam F. Tucker
City Attorney

SEAL



PRD

ALMAR KNOT DR

RS-15

GRESHAM LN

AGRIPARK DR

PUD

CH

PRD

CL

CASS DR

OLD FORT PARKWAY

96

96

PUD Amended

CH

AUTUMN TOWNE WAY

PUD

CF

RM-12

FRANKLIN HEIGHTS DR

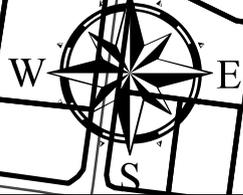
QUAKER CT

PRD

RM-16

LEHIGH DR

WAYWOOD DR



COUNCIL COMMUNICATION

Meeting Date: 05/21/2020

Item Title: Rezoning property along East Vine Street
[Second Reading]

Department: Planning

Presented by: Matthew Blomeley, AICP, Assistant Planning Director

Requested Council Action:

Ordinance	<input checked="" type="checkbox"/>
Resolution	<input type="checkbox"/>
Motion	<input type="checkbox"/>
Direction	<input type="checkbox"/>
Information	<input type="checkbox"/>

Summary

Rezone approximately 0.36 acres located at the northwest corner of East Vine Street and South Bilbro Avenue.

Staff Recommendation

Enact the ordinance establishing the requested zoning.

The Planning Commission recommended approval of the rezoning.

Background Information

Gregg Stanley presented a zoning application [2020-401] for approximately 0.36 acres located at the northwest corner of East Vine Street and South Bilbro Avenue to be rezoned from RS-8 (Single-Family Residential District 8) to PRD (Planned Residential District). During its regular meeting on March 11, 2020, the Planning Commission conducted a public hearing on this matter and then voted to recommend its approval.

On May 7, 2020 Council held a public hearing and approved this matter on First Reading.

Council Priorities Served

Improve Economic Development

This rezoning will enable reinvestment and redevelopment in the City's downtown, which will contribute to the continued growth of downtown both as a place to live and to do business.

Attachments:

Ordinance 20-OZ-09

ORDINANCE 20-OZ-09 amending the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as heretofore amended and as now in force and effect, to rezone approximately 0.36 acres along East Vine Street and South Bilbro Avenue from Single-Family Residential Eight (RS-8) District to Planned Residential Development (PRD) District (Bilbro & Vine Towns PRD); Gregg Stanley, applicant [2020-401].

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. That, the same having been heretofore recommended to the City Council by the City Planning Commission, the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as herein referred to, adopted and made a part of this Ordinance as heretofore amended and as now in force and effect, be and the same are hereby amended so as to rezone the territory indicated on the attached map.

SECTION 2. That, from and after the effective date hereof, the area depicted on the attached map be zoned and approved as Planned Residential Development (PRD) District, as indicated thereon, and shall be subject to all the terms and provisions of said Ordinance applicable to such districts, the plans and specifications filed by the applicant, and any additional conditions and stipulations referenced in the minutes of the Planning Commission and City Council relating to this zoning request. The City Planning Commission is hereby authorized and directed to make such changes in and additions to said Zoning Map as may be necessary to show thereon that said area of the City is zoned as indicated on the attached map. This zoning change shall not affect the applicability of any overlay zone to the area.

SECTION 3. That this Ordinance shall take effect fifteen (15) days after its passage upon second and final reading, the public welfare and the welfare of the City requiring it.

Passed:

1st reading _____

2nd reading _____

ATTEST:

Melissa B. Wright
City Recorder

Shane McFarland, Mayor

APPROVED AS TO FORM:

DocuSigned by:
Adam F. Tucker

43A2035E51F9401
Adam F. Tucker
City Attorney

SEAL

Ordinance 20-OZ-09

RS-15

RS-15

RS-15

N BILBRO AVE

E MAIN ST

RS-15

Area Rezoned
From RS-8 to PRD

RS-8

S BILBRO AVE

RS-15

RS-8

RD

E VINE ST

RS-8

RS-8

RS-8

RICHARDSON AVE



COUNCIL COMMUNICATION

Meeting Date: 05/21/2020

Item Title: Rezoning property along East College Street and North Church Street
[Second Reading]

Department: Planning

Presented by: Matthew Blomeley, AICP, Assistant Planning Director

Requested Council Action:

Ordinance	<input checked="" type="checkbox"/>
Resolution	<input type="checkbox"/>
Motion	<input type="checkbox"/>
Direction	<input type="checkbox"/>
Information	<input type="checkbox"/>

Summary

Rezone approximately 2.42 acres located along East College Street, North Church Street, East Lytle Street, and North Spring Street.

Staff Recommendation

Enact the ordinance establishing the requested zoning.

The Planning Commission recommended approval of the rezoning.

Background Information

705 4th Avenue South Holding Company presented a zoning application [2019-434] for approximately 2.42 acres located along East College Street, North Church Street, East Lytle Street, and North Spring Street to be rezoned from OG-R (General Office District - Residential) and CCO (City Core Overlay District) to PUD (Planned Unit District) and CCO. During its regular meeting on March 11, 2020, the Planning Commission conducted a public hearing on this matter and then voted to recommend its approval.

On May 7, 2020 Council held a public hearing and approved this matter on First Reading.

Council Priorities Served

Establish Strong City Brand

The development that this rezoning will enable will continue to strengthen the identity of the City's downtown as a destination for living, working, and playing, consistent with the vision adopted by the City in the North Highland Avenue and Historic Bottoms planning studies.

Expand Infrastructure

The proposed development includes the construction of a parking garage as well as on-street parking in order to provide the downtown with additional parking infrastructure to continue to accommodate the demand for parking as the downtown grows and develops.

Improve Economic Development

This rezoning will enable reinvestment and redevelopment in the City's downtown, which will contribute to the continued growth of downtown both as a place to live and to do business.

Maintain Public Safety

The proposed development sets aside space inside of the retail/office building for a police precinct, which will continue to enable a police presence in and around the downtown.

Attachments:

Ordinance 20-OZ-10

ORDINANCE 20-OZ-10 amending the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as heretofore amended and as now in force and effect, to rezone approximately 2.42 acres along East College Street, North Spring Street, East Lytle Street, and North Church Street from General Office - Residential (OG-R) District to Planned Unit Development (PUD) District (One East College PUD); 705 4th Avenue South Holding Company, applicant [2020-434].

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. That, the same having been heretofore recommended to the City Council by the City Planning Commission, the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as herein referred to, adopted and made a part of this Ordinance as heretofore amended and as now in force and effect, be and the same are hereby amended so as to rezone the territory indicated on the attached map.

SECTION 2. That, from and after the effective date hereof, the area depicted on the attached map be zoned and approved as Planned Unit Development (PUD) District, as indicated thereon, and shall be subject to all the terms and provisions of said Ordinance applicable to such districts, the plans and specifications filed by the applicant, and any additional conditions and stipulations referenced in the minutes of the Planning Commission and City Council relating to this zoning request. The City Planning Commission is hereby authorized and directed to make such changes in and additions to said Zoning Map as may be necessary to show thereon that said area of the City is zoned as indicated on the attached map. This zoning change shall not affect the applicability of any overlay zone to the area.

SECTION 3. That this Ordinance shall take effect fifteen (15) days after its passage upon second and final reading, the public welfare and the welfare of the City requiring it.

Passed:

1st reading _____

2nd reading _____

Shane McFarland, Mayor

ATTEST:

Melissa B. Wright
City Recorder

APPROVED AS TO FORM:

DocuSigned by:
Adam F. Tucker

Adam F. Tucker
City Attorney

SEAL

Ordinance 20-OZ-10

OG-R

OG-R

N CHURCH ST

RM-12

RM-12

RM-12

BELL ST

RM-12

RM-12

W BURTON ST

RS-8

RS-8

PCD

E BURTON ST

Area rezoned from OG-R to PUD

OG-R

OG-R

RS-8

RS-8

W LYTLE ST

N SPRING ST

PND

CBD

OG-R

RS-8

RS-8

CBD

N MAPLE ST

CBD

OG-R

OG-R

RS-8

RS-8

W COLLEGE ST

OG-R

CBD

CBD

OG-R

RS-8

RS-8

N PUBLIC SQ

CBD

CBD

CBD

CH

E COLLEGE ST

RS-8

CBD

CH

RS-10

S PUBLIC SQ

CBD

CBD

CBD

RS-15

S MAPLE ST

S CHURCH ST

S SPRING ST

N ACADEMY ST

W VINE ST

E VINE ST

S ACADEMY ST



BD

CBD

CBD

CH



COUNCIL COMMUNICATION

Meeting Date: 05/21/2020

Item Title: Rezoning property located along New Salem Highway
[Second reading]

Department: Planning

Presented By: Matthew Blomeley, AICP, Assistant Planning Director

Requested Council Action:

Ordinance	<input checked="" type="checkbox"/>
Resolution	<input type="checkbox"/>
Motion	<input type="checkbox"/>
Direction	<input type="checkbox"/>
Information	<input type="checkbox"/>

Summary

Zoning of approximately 27.9 acres located along New Salem Hwy and Barfield Road.

Staff Recommendation

Enact the ordinance establishing the requested zoning.

The Planning Commission recommended approval of the zoning request.

Background Information

New Salem Land Development, LLC presented to the City a zoning application [2020-402] for approximately 27.9 acres located along New Salem Highway and Barfield Road to be zoned CH (Highway Commercial District). During its regular meeting on March 11, 2020, the Planning Commission conducted a public hearing on this matter and then voted to recommend its approval.

On May 7, 2020 Council held a public hearing and approved this matter on First Reading, subject to a truck stop not being a permitted use on the property.

Council Priorities Served

Improve Economic Development

This rezoning will enable commercial development on approximately 30 acres at an intersection along a major arterial roadway a short distance from an interstate interchange, potentially generating sales tax revenues for the City and jobs.

Establish Strong City Brand

Expanding the existing I-24/New Salem Highway interstate interchange commercial node will continue to establish Murfreesboro as a commerce destination for both City residents and interstate travelers alike.

Attachments:

Ordinance 20-OZ-11

ORDINANCE 20-OZ-11 amending the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as heretofore amended and as now in force and effect, to rezone approximately 26.8 acres along New Salem Highway and Barfield Road to Commercial Highway (CH) District, simultaneous with annexation, and to rezone approximately 1.1 acres from Single-Family Residential Fifteen (RS-15) District to Commercial Highway (CH) District; New Salem Land Development, LLC, applicant [2020-402].

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. That the same having been heretofore recommended to the City Council by the City Planning Commission, the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as herein referred to, adopted and made a part of this Ordinance as heretofore amended and as now in force and effect, be and the same are hereby amended so as to rezone the territory indicated on the attached map.

SECTION 2. That, from and after the effective date hereof, the area depicted on the attached map shall be zoned and approved as Commercial Highway (CH) District, as indicated thereon, and shall be subject to all the terms and provisions of said Ordinance applicable to such districts. The City Planning Commission is hereby authorized and directed to make such changes in and additions to said Zoning Map as may be necessary to show thereon that said area of the City is zoned as indicated on the attached map. This zoning change shall not affect the applicability of any overlay zone to the area.

SECTION 3. That this Ordinance shall take effect fifteen (15) days after its passage upon second and final reading, the public welfare and the welfare of the City requiring it.

Passed:

1st reading _____

2nd reading _____

Shane McFarland, Mayor

ATTEST:

Melissa B. Wright
City Recorder

APPROVED AS TO FORM:

DocuSigned by:
Adam F. Tucker

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Adam F. Tucker
City Attorney

SEAL



WARRIOR DR

**AREA
REZONED
From RS-15 to CH**

NEW-SALEM HIGHWAY

CH

CH

CH

RS-A1

99

CH

CH

WARRIOR-DRIVE

RS-15

RS-15

RS-15

**AREA ZONED CH
SIMULTANEOUS
with ANNEXATION**

CLIFFVIEW CT



COUNCIL COMMUNICATION

Meeting Date: 05/21/2020

Item Title: Amending the Zoning Ordinance
[Second Reading]

Department: Planning

Presented by: Matthew Blomeley, AICP, Assistant Planning Director

Requested Council Action:

Ordinance	<input checked="" type="checkbox"/>
Resolution	<input type="checkbox"/>
Motion	<input type="checkbox"/>
Direction	<input type="checkbox"/>
Information	<input type="checkbox"/>

Summary

Amend the Zoning Ordinance regarding the definition of "yard," timeframes for Planning Commission review of zoning applications, outdoor storage and displays, and several other miscellaneous changes.

Staff Recommendation

Conduct a public hearing and amend the Zoning Ordinance as requested.

The Planning Commission recommended approval of the Zoning Ordinance amendment.

Background Information

The Planning Department presented a request to amend the Zoning Ordinance [2020-801] pertaining to the definition of "yard," timeframes for Planning Commission review of zoning applications, outdoor storage and displays, and several other miscellaneous changes. During its regular meeting on March 11, 2020, the Planning Commission conducted a public hearing on this matter and then voted to recommend its approval.

On May 7, 2020 Council held a public hearing and approved this matter on First Reading.

Council Priorities Served

Maintain Public Safety

The proposed ordinance amendment will require minimum lighting levels for parking lots and walkways at multi-family developments in order to enhance safety and security.

Improve Economic Development

The proposed ordinance amendment seeks to establish requirements to make areas of outdoor storage and display orderly, which will contribute to Murfreesboro being a desirable place to live, work, and conduct business.

Attachments:

Ordinance 20-O-12

ORDINANCE 20-O-12 amending Murfreesboro City Code Appendix A— Zoning, Sections 2, 6, 7, 13, 18, 24, and 25 pertaining to outdoor storage, timeframe for holding zoning public hearings, site plan review timeframe to fit within new review cycle, yard encroachments, and minimum lighting, City of Murfreesboro Planning Staff, applicant. [2020-801]

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. Appendix A, Section 2, Interpretation and Definitions of the Murfreesboro City Code is hereby amended at the definition for “Yard” by deleting exception (D) in its entirety and substituting in lieu thereof the following and by adding a new (L) to read as follows:

(D) bay windows, porches and balconies may project up to sixty inches within a front or rear yard;

(L) attached and/or detached uncovered decks may be located within a required side or rear yard but shall be no closer than five feet from a side or rear property line.

SECTION 2. Appendix A, Section 6, Amendments, of the Murfreesboro City Code is hereby amended at subsection (E)(2)(d) by deleting it in its entirety and substituting in lieu thereof the following:

(E)(2)(d) Not more than ninety days after a complete application for an amendment to the zoning map has been accepted, or the Council or the Department has recommended an amendment to the zoning map, the Commission shall hold a public hearing thereon. At such times that the Commission reviews the application and/or that the Commission conducts a public hearing, the applicant or the applicant’s agent shall be present to answer questions. Written notice of such public hearing shall be published in a local newspaper of general circulation. In addition, a sign shall be maintained on the property by the applicant which meets the size and content specifications of the Commission, and notice shall be mailed to property owners within two hundred fifty feet. Failure to mail notice to such owner(s) will not invalidate the amendment.

SECTION 3. Appendix A, Section 7, Site Plan Review, of the Murfreesboro City Code is hereby amended at subsection (E)(2), by adding the following language to the City of Murfreesboro Planning Commission Site Plan Review Checklist at subsection “K. Other” as item (7) as follows:

____(7) the proposed location for outdoor storage including the locations of temporary outdoor storage and/or display, permanent outdoor storage and/or display, and the screening of such elements in accordance with Sections 18, 21, 24, 25, and/or 27 of this article;

SECTION 4. Appendix A, Section 7, Site Plan Review, of the Murfreesboro City Code is hereby amended at subsection (G) by replacing the words “Building Official” with “Planning Director,” “fourteen” with “sixty-five,” and adding the word “approve” before “subject to conditions” so that it reads:

(G) *Procedure for administrative site plan review.* The Planning Director or designee shall approve, approve subject to conditions, or disapprove administrative site plans within sixty-five days of their receipt. The Planning Director shall send written notice of the decision to the applicant, along with reasons for the decision.

SECTION 5. Appendix A, Section 7, Site Plan Review, of the Murfreesboro City Code is hereby amended at subsections (A), (E)(3), (E)(3)(b), and E)(3)(c) as follows:

(A): REPLACE the word “Building Official” with “Planning Director”

(E)(3): REPLACE the word “Building Official” with “Planning Director”

(E)(3)(b): REPLACE the word “Building Official” with “Planning Director”

(E)(3)(c): REPLACE the word “Building Official” with “Floodplain Administrator”

SECTION 6. Appendix A, Section 13, Planned Development Regulations, of the Murfreesboro City Code is hereby amended at subsection (D)(4) by replacing the word “filed” with “accepted,” the word “seventy-five” with “ninety,” and the word “received” with “reviewed” so that it reads:

(D)(4) *Planning Commission review of application.* Not more than forty-five days after a complete application for planned development approval has been accepted, the Planning Commission shall review the application. At such time as the Commission reviews the application, the applicant or the applicant’s agent shall be present to answer questions regarding the proposed development. During this review, the Commission members may suggest changes to the proposed development plan.

Not more than ninety days after the Commission has reviewed the planned development application, a public hearing shall be held thereon. Notice of such public hearing shall be in the manner as prescribed in Section 6(E)(2)(d) of this article. After the conclusion of the public hearing, the Commission shall prepare a recommendation for City Council. Provided, however, the Commission may defer action for not more than sixty days or for a greater period of time if the applicant so requests. A recommendation prepared by the Commission shall be for approval, disapproval, or approval subject to special conditions.

SECTION 7. Appendix A, Section 18, Regulations of General Applicability, of the Murfreesboro City Code is hereby amended at subsection (G) by adding to the end thereof a new subsection (14) as follows:

(G)(14) In multi-family and single-family attached developments, exterior lighting levels for parking and walkways shall be a minimum of 0.5 foot-candles. Lighting shall be even, and “hot” spots are to be avoided. Switched light fixtures under the control of residents may not be used in the foot-candle calculation.

SECTION 8. Appendix A, Section 24, Overlay District Regulations, Article VI. CCO, City Core Overlay District, of the Murfreesboro City Code is hereby amended at subsection (D)(1) by adding a new subsection (c) to read as follows:

- (c) bay windows, porches and balconies may project up to sixty inches within a front or rear yard so long as they do not interfere with automotive sight triangle requirements as set forth in Section 27(P) of this article.

SECTION 9. Appendix A, Section 24, Overlay District Regulations, Article V. PS, Planned Signage Overlay District, of the Murfreesboro City Code is hereby amended at subsection (H) by replacing the words “filed” with “accepted,” “seventy-five” with “ninety,” and “received” with “reviewed” so that it reads:

- (H) *Planning Commission.* Not more than forty-five days after a complete application for Planned Signage Overlay District zoning has been accepted, the Planning Commission shall review the application. At such time as the Commission reviews the application, the applicant or the applicant’s agent shall be present to answer questions. The Commission may suggest changes. Not more than ninety days after the Commission has reviewed the application, a public hearing shall be held thereon. Notice of such public hearing shall be in the manner prescribed in Section 6(E)(4) of this article. After the conclusion of the public hearing, the Commission shall prepare a recommendation for the City Council. Provided, however, the Commission may defer action for not more than sixty days or, if the applicant so requests, for a greater period of time. A recommendation prepared by the Commission shall be for approval, disapproval, or approval subject to special conditions.

SECTION 10. Appendix A, Section 25, Temporary and Accessory Structures and Uses, of the Murfreesboro City Code is hereby amended at subsection (C) by deleting subsection (C)(2) in its entirety and substituting in lieu thereof the following and by adding a new (C)(5) to read as follows:

- (C)(2) mobile storage units, e.g., semi-trailers, converted vans, or converted buses, shall not be used as:
 - a) accessory structures for human occupancy on any lot;
 - b) accessory structures for storage on any lot zoned or used for residential or institutional purposes;
 - c) accessory structures for the storage of tires on any lot.
- (C)(5) Tires shall only be stored within a fully-enclosed structure. Open or uncovered outdoor storage of tires is prohibited. Provided however that outdoor tire displays may be permitted subject to all limitations contained in the City Code.

SECTION 11. Appendix A, Section 25, Temporary and Accessory Structures and Uses, of the Murfreesboro City Code is hereby amended at subsection (E) by replacing the period at the end of Section 25 (E)(7) with a comma, and adding the following subsection (8):

- (8) Outdoor Storage and Display for non-residential lots shall not be located within a required yard, in required parking stalls, in vehicle or pedestrian access ways, in landscape areas, or in open space. Permanent storage and display shall be screened from public and adjoining property view. Provided, however, that temporary outdoor storage and display of merchandise not located within a special overlay district may be permitted upon approval of a

site plan and documentation that it will not impair the ability of the site to meet minimum standards.

SECTION 12. That this Ordinance shall take effect fifteen (15) days after its passage upon second and final reading, the public welfare and the welfare of the City requiring it.

Passed:

1st reading _____

2nd reading _____

Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

Melissa B. Wright
City Recorder

DocuSigned by:
Adam F. Tucker

43A2035E-51E9401...
Adam F. Tucker
City Attorney

SEAL

COUNCIL COMMUNICATION

Meeting Date: 05/21/20

Item Title: Resolution 20-R-10 - Unclaimed Property Request

Department: Finance

Presented by: Melissa B. Wright, City Recorder

Requested Council Action:

- | | |
|-------------|-------------------------------------|
| Ordinance | <input type="checkbox"/> |
| Resolution | <input checked="" type="checkbox"/> |
| Motion | <input type="checkbox"/> |
| Direction | <input type="checkbox"/> |
| Information | <input type="checkbox"/> |
-

Summary

Annual request to State to return unclaimed property remitted by the City.

Staff Recommendation

Approve Resolution 20-R-10.

Background Information

The City remits unclaimed property to the State on an annual basis. Upon request, the State returns unclaimed property to the City after the required holding period has been met and the property remains unclaimed, provided the City agrees to accept liability for future claims of these funds and to report to the State, on an annual basis, of any claims made.

Council Priorities Served

Responsible budgeting

Funds held by the City are available for investment earnings in the City's General Fund.

Fiscal Impacts

Funds are returned to the City and the liability for future claims is generally low. To date we have not had a claim for funds after return from the State.

Attachment:

Resolution 20-R-10

RESOLUTION 20-R-10 requesting unclaimed balance of accounts remitted to State Treasurer under Unclaimed Property Act.

WHEREAS, Tennessee Code Annotated Section 66-29-102 and Section 66-29-123, provide that a municipality or county in Tennessee may request payment for the unclaimed balance of funds reported and remitted by or on behalf of the local government and its agencies if it exceeds \$100, less a proportionate share of the cost of administering the program; and,

WHEREAS, the City of Murfreesboro and/or its agencies have remitted accounts to the State of Treasurer in accordance with the Uniform Disposition of Unclaimed Property Act for the report year ending December 31, 2019; and,

WHEREAS, the City of Murfreesboro agrees to meet all of the requirements of Tennessee Code Annotated Section 66-29-101 et seq. and to accept liability for future claims against accounts represented in funds paid to it and to submit an annual report of claims received on these accounts to the State Treasurer by September 1 each year; and,

WHEREAS, it is agreed that the City of Murfreesboro will retain a sufficient amount to ensure prompt payment of allowed claims without deduction for administrative costs or service charge and that the balance of funds will be deposited in the City's General Fund.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. The City of Murfreesboro requests the State Treasurer to pay the unclaimed balance of funds remitted for the 2019 report year to it in accordance with the provisions of Tennessee Code Annotated Section 66-29-121. A list of remittances made by or on behalf of the City and its agencies is attached.

SECTION 2. This Resolution shall be effective immediately upon its passage and adoption, the public welfare and the welfare of the City requiring it.

Passed: _____

Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

Melissa B. Wright
City Recorder

DocuSigned by:
Aden F. Tucker

43A2035E51F9401
City Attorney

I, Melissa B. Wright, hereby certify that this is a true and exact copy of the foregoing Resolution which was approved and adopted at a meeting held on the ____ day of _____, 20____, the original of which is on file in the office of the City Recorder of the City of Murfreesboro, Tennessee. I further certify that the City Council, which includes the Mayor, consists of seven (7) members, and that ____ members voted in favor of the Resolution.

WITNESS my official signature and the seal of said Municipality this ____ day of _____, 20____.

MELISSA, B. WRIGHT, CITY RECORDER

(SEAL)

05/13/20

**REMITTANCES FILED BY OR ON BEHALF
OF LOCAL GOVERNMENT AND ITS AGENCIES**

Name of County/Municipality City of Murfreesboro
 Mailing Address P. O. Box 1139
Murfreesboro TN 37133-1139

Name of Holder or Agency Submitting Report and Remittance	Holder Identification Number	Amount of Remittance (If Available)	Date of Remittance (If Available)	Federal employer tax ID #
City of Murfreesboro	15830	30660.72	10/9/2019	62-6000374

I certify that any agencies included in this request are chartered under this local government.

615-893-5210
 Phone Number _____ (Signature)

 Melissa Wright Finance Director
 Printed Name _____ (Title)
 Date May 13, 2020

This report and accompanying Resolution may be filed with the Unclaimed Property office of the State Treasury Department at any point between the actual remittance of unclaimed accounts and the June 1 eighteenth months following.

COUNCIL COMMUNICATION

Meeting Date: 05/21/2020

Item Title: Budget Amendment Ordinance 20-O-15

Department: Finance

Presented by: Melissa Wright

Requested Council Action:

Ordinance	<input checked="" type="checkbox"/>
Resolution	<input type="checkbox"/>
Motion	<input type="checkbox"/>
Direction	<input type="checkbox"/>
Information	<input type="checkbox"/>

Summary

Modification of the 2019-2020 Budget to incorporate expenditure decisions made during the 2019-2020 fiscal year.

Staff Recommendation

Approve Ordinance 20-O-15 modifying the 2019-2020 Budget.

Background Information

General Fund – Community Development

Due to COVID-19, Tennessee Housing Development Agency has increased its award to Community Development for Emergency Solutions Grants. Revenues are increasing by \$7,500 and expenditures are increasing by \$7,500. Therefore, the net change to the Budget is zero.

Insurance Fund

Claims in the current year are on track to exceed what was budgeted. To ensure that we have a sufficient amount budgeted for claims for the remainder of the year and for June payables. Revenues are increasing by \$2,015,000 and expenditures are increasing by \$2,015,000. Therefore, the net change to the Budget is zero.

Debt Service

To budget for issuance of new debt and payoff/refunding of 2008 TMBF notes. Revenues are increasing by \$19,100,000 and expenditures are increasing by \$19,100,000. Therefore, the net change to the Budget is zero.

Risk Management Fund

Claims in the current year are on track to exceed what was budgeted. To ensure that we have a sufficient amount budgeted for claims for the remainder of the year and for June payables. Expenditures are increasing by \$1,500,000.

Council Priorities Served

Responsible Budgeting

Presenting budget amendments ensures that the Financial Policies adopted by Council, which lay the groundwork for economic health, are maintained.

Fiscal Impacts

The proposed budget amendments have no impact on the General Fund, the Insurance Fund, or the Debt Service Fund.

The proposed budget amendments will increase the use of fund balance by \$1,500,000 for the Risk Management Fund.

Attachment:

Ordinance 20-O-15 and Exhibit A

ORDINANCE 20-O-15 amending the 2019-2020 Budget (3RD Amendment).

WHEREAS, the City Council adopted the 2019-2020 Budget by motion; and,

WHEREAS, the City Council adopted an appropriations ordinance, Ordinance 19-O-12, on June 13, 2019 to implement the 2019-2020 Budget; and,

WHEREAS, it is now desirable and appropriate to adjust and modify the 2019-2020 Budget by this Ordinance to incorporate expenditure decisions made during the 2019-2020 fiscal year.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. The 2019-2020 Budget adopted by the City Council is hereby revised and amended as shown on Exhibit A, attached hereto.

SECTION 2. That this Ordinance take effect immediately upon and after its passage upon second and final reading, as an emergency Ordinance, an emergency existing, and it being imperative to provide for the necessary expenses, general and special, of said City of Murfreesboro for the Fiscal Year 2019-2020 at the earliest practicable time, the welfare of the City requiring it.

Passed:

1st reading _____

2nd reading _____

Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

Melissa B. Wright
City Recorder

DocuSigned by:
Adam F. Tucker

Adam F. Tucker
City Attorney

SEAL

Department	Account	BUDGET AS PASSED OR PREV AMENDED	AMENDED BUDGET	AMENDMENT INCREASE (DECREASE)
<u>General Fund</u>				
<u>Revenues</u>				
Community Development	Federal Grants - ESG	\$ 161,250.00	\$ 168,750.00	\$ 7,500.00
				<u>\$ 7,500.00</u>
<u>Expenditures</u>				
Community Development	Emergency Solutions Grant	\$ 161,250.00	\$ 168,750.00	\$ 7,500.00
				<u>\$ 7,500.00</u>
CHANGE IN FUND BALANCE (CASH)	CHANGE IN FUND BALANCE (CASH)	\$ (1,768,824.06)	\$ (1,768,824.06)	-
<u>Insurance Fund</u>				
<u>Revenues</u>				
Insurance Fund	Premiums from City	\$ 8,871,900.00	\$ 10,886,900.00	\$ 2,015,000.00
				<u>\$ 2,015,000.00</u>
<u>Expenditures</u>				
Insurance Fund	Administrative Fees	\$ 470,000.00	\$ 485,000.00	\$ 15,000.00
Insurance Fund	Medical PPO	\$ 8,300,000.00	\$ 8,915,000.00	\$ 615,000.00
Insurance Fund	Medical HRA	\$ 2,200,000.00	\$ 2,758,000.00	\$ 558,000.00
Insurance Fund	Medical - Medicare	\$ 361,000.00	\$ 376,000.00	\$ 15,000.00
Insurance Fund	HRA Medicare	\$ 63,000.00	\$ 67,000.00	\$ 4,000.00
Insurance Fund	Delta Dental	\$ 659,000.00	\$ 667,000.00	\$ 8,000.00
Insurance Fund	Pharmacy	\$ 4,600,000.00	\$ 5,400,000.00	\$ 800,000.00
				<u>\$ 2,015,000.00</u>
CHANGE IN FUND BALANCE (CASH)	CHANGE IN FUND BALANCE (CASH)	\$ (3,427,200.00)	\$ (3,427,200.00)	-

Debt Service Fund

Revenues

Debt Service Fund

Revenues

Sale of Bonds

\$ - \$ 19,100,000.00 \$ 19,100,000.00

\$ 19,100,000.00

Expenditures

Debt Service Fund

Debt Service Fund

Expenditures

Issuance Cost

Note Principal

\$ 10,000.00 \$ 321,000.00 \$ 311,000.00

\$ 17,422,100.00 \$ 36,211,100.00 \$ 18,789,000.00

\$ 19,100,000.00

CHANGE IN FUND BALANCE (CASH)

CHANGE IN FUND BALANCE (CASH)

\$ - \$ - -

Risk Management Fund

Revenues

Revenues

\$ - \$ - \$ -

\$ -

Expenditures

Risk Management Fund

Risk Management Fund

Risk Management Fund

Risk Management Fund

Expenditures

General Liability Claims

Workers' Comp Claims

Fire & Casualty Claims

Auto Claims

\$ 350,000.00 \$ 525,000.00 \$ 175,000.00

\$ 600,000.00 \$ 1,710,000.00 \$ 1,110,000.00

\$ 100,000.00 \$ 200,000.00 \$ 100,000.00

\$ 350,000.00 \$ 465,000.00 \$ 115,000.00

\$ 1,500,000.00

CHANGE IN FUND BALANCE (CASH)

CHANGE IN FUND BALANCE (CASH)

\$ 96,227.00 \$ (1,403,773.00) (1,500,000.00)

COUNCIL COMMUNICATION

Meeting Date: 05/21/2020

Item Title: Amendment of the City ordinance permitting regulated take-out and delivery of beer.

Department: Finance

Presented by: Melissa Wright, City Recorder and Finance Director

Requested Council Action:

Ordinance	<input checked="" type="checkbox"/>
Resolution	<input type="checkbox"/>
Motion	<input type="checkbox"/>
Direction	<input type="checkbox"/>
Information	<input type="checkbox"/>

Summary

Authorization under City ordinance for the sale of beer by breweries, restaurants, and taverns within the City limits by delivery and take-out service.

Staff Recommendation

Adopt Ordinance 20-O-16 allowing for the sale of beer by delivery and take-out service.

Background Information

Consistent with the Governor's recent Executive Orders addressing the sale of alcoholic beverages, the City's Declaration of Emergency issued April 10, 2020 temporarily permitted the sale of beer by delivery and take-out services. The proposed amendment to the City Code of Article IV, Beer, under Chapter 4, Alcoholic Beverages, which authorizes and regulates the sale of beer by breweries, restaurants, and taverns within the City, allows on a permanent basis and regulates delivery and take-out service.

In the case of sales by restaurants and taverns, a take-out or delivery sale would be permitted only in conjunction with the sale of prepared food or other food products as part of the same order provided food sale constitutes at least 50% of the total order.

Council Priorities Served

Improve economic development

Allowing orderly delivery of regulated products within the City promotes economic recovery and support sustained economic growth.

Fiscal Impact

None

Attachments

Ordinance 20-O-16

ORDINANCE 20-O-16 amending the Murfreesboro City Code, Chapter 4, Alcoholic Beverages, Article IV., Beer, authorizing the sale of beer within the City limits via delivery and take-out service.

WHEREAS, pursuant to Tennessee Code Annotated § 57-5-106, the City of Murfreesboro is authorized to pass proper ordinances governing the issuance and revocation or suspension of licenses for the storage, sale, manufacture and/or distribution of beer within the corporate limits of the City and to impose additional restrictions, fixing zones and territories and provide hours of opening and closing and such other rules and regulations as will promote public health, morals and safety; and,

WHEREAS, pursuant to an Executive Order issued on April 10, 2020, the City temporarily authorized the delivery of beer by breweries, restaurants, and taverns holding a City-issued beer permit; and,

WHEREAS, based on the responsible conduct of said entities and the positive economic impact of delivery pursuant to said Executive Order, the City now desires to establish a permanent regulation for the lawful delivery of beer within the City limits.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. Section 4-59, Prohibited Activity, of the Murfreesboro City Code is hereby amended by adding the following to the end of subsection (G): "other than in compliance with the regulations of this Article or pursuant to state law of general application."

SECTION 2. Section 4-65, Reserved, of the Murfreesboro City Code is hereby amended by deleting it in its entirety and substituting therefore:

"SECTION 4-65 – SALE OF BEER VIA DELIVERY AND TAKE-OUT SERVICE BY BREWERIES, RESTAURANTS, AND TAVERNS HOLDING A CITY-ISSUED BEER PERMIT.

Breweries, restaurants and taverns holding a manufacturer beer permit, an on-premises retail beer permit, or a combined retail beer permit issued by the City may sell beer within the City limits via take-out or delivery service, subject to the following regulations:

- (A) Any sale of beer under this section is for consumption off of the premises of the brewery, restaurant, or tavern only. In the case of sale by a restaurant or tavern, beer may be sold pursuant to this section only if sold in conjunction with the sale of prepared food or other food products as part of the same order and only if the dollar value of the food portion of the sale constitutes at least fifty percent (50%) of the total dollar value of the order.

- (B) Beer sold under this section must be contained in a metal can or glass bottle with a secure lid or cap and in a manner designed to prevent consumption without removal of the lid or cap.
- (C) Single servings of beer and multi-serving bottles or containers of beer normally sold by the brewery, restaurant, or tavern may be sold under this section.
- (D) A brewery, restaurant, or tavern selling beer under this section shall prominently post a warning in a manner reasonably calculated to provide notice to customers of open container laws, which must include the following language from Tennessee Code Annotated, Section 55-10-416, as may be amended from time to time: "No driver shall consume any alcoholic beverage or beer or possess an open container of alcoholic beverage or beer while operating a motor vehicle in this state."
- (E) An employee or contractor of a brewery, restaurant, or tavern providing or delivering beer to a customer under this section shall not provide or deliver such beverages to any person under twenty-one (21) years of age and may not provide or deliver such beverages to a person who is visibly intoxicated. Any such employee providing or delivering beer shall visually inspect a valid government-issued document deemed acceptable to the permit holder that includes the photograph and birth date of the adult consumer attempting to make an alcoholic beverage purchase and confirms that the person is at least twenty-one (21) years of age. In addition, delivery made pursuant to this section may be made only to the physical address indicated by the individual placing the delivery order, and the delivery must be documented by a verification of the delivery signed by the individual who placed the order. Any person denied delivery pursuant to this subsection (E) shall not be entitled to a refund of any delivery charge assessed for the purpose of such delivery.
- (F) A person delivering beer under this section shall be at least twenty-one (21) years of age and must have a valid driver license.
- (G) Beer sold under this section may be sold only during the permit-holder's normal operating hours and in accordance with the provisions of this Code regarding hours of service. In addition, beer sold under this section may be delivered only within the City's corporate limits.
- (H) For any order where the amount of beer delivered exceeds two gallons (256 fluid ounces), the permit holder shall maintain for inspection by any law enforcement official a copy of the customer's order indicating: (1) the name of the recipient of the beer; (2) the address where the beer was delivered; and (3) the amount of beer delivered. Such records must be maintained for six (6) months.
- (I) For purposes of this section, "delivery service" includes, without limitation, delivery by a third-party delivery service licensed by the Tennessee Alcoholic Beverage Commission."

SECTION 3. That this Ordinance shall take effect fifteen (15) days after its passage upon second and final reading, the public welfare and the welfare of the City requiring it.

Passed:

Shane McFarland, Mayor

1st reading _____

2nd reading _____

ATTEST:

Melissa B. Wright
City Recorder

SEAL

APPROVED AS TO FORM:

DocuSigned by:
Adam F. Tucker
43A2638E64F6404

Adam F. Tucker
City Attorney

COUNCIL COMMUNICATION

Meeting Date: 05/21/2020

Item Title: Plan of Services and Annexation for Annell Drive Right-of-Way
[Public Hearing Required]

Department: Planning

Presented By: Matthew Blomeley, AICP, Assistant Planning Director

Requested Council Action:

Ordinance	<input type="checkbox"/>
Resolution	<input checked="" type="checkbox"/>
Motion	<input type="checkbox"/>
Direction	<input type="checkbox"/>
Information	<input type="checkbox"/>

Summary

Annexation of approximately 190 linear feet (0.22 acres) of Annell Drive right-of-way (ROW).

Staff Recommendation

Conduct a public hearing and approve the Plan of Services and the requested annexation.

The Planning Commission recommended approval of the plan of services and annexation.

Background Information

The Planning Department has initiated an annexation study [2020-501] for approximately 190 linear feet (0.22 acres) of Annell Drive ROW. The City developed its plan of services for this ROW. During its regular meeting on January 8, 2020, the Planning Commission conducted a public hearing on this matter and then voted to defer action until receiving consent to annex from the Rutherford County Highway Commission. After receiving said consent, the item was discussed by the Planning Commission under Old Business at its February 5, 2020 regular meeting, at which time the Planning Commission voted to recommend approval.

Council Priorities Served

Expand Infrastructure

Staff anticipates the development of the adjacent property to the west of the subject ROW. Annexing the subject ROW will allow the City to have authority over connections to the public ROW and will ensure that those connections will be constructed to meet minimum City standards.

Attachments:

1. Resolution 20-R-PS-06

2. Resolution 20-R-A-06
3. Maps of the area
4. Planning Commission staff comments and minutes from 01/08/2020 meeting
5. Planning Commission staff comments and minutes from 02/05/2020 meeting
6. Plan of services
7. Other miscellaneous exhibits

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
JANUARY 8, 2020**

PROJECT PLANNER, MARINA RUSH

3.c. Annexation plan of services and annexation petition [2019-516] for approximately 190 linear feet (0.22 acres) of Annell Drive right-of-way, City of Murfreesboro applicant.

The annexation is for an approximately 190 linear feet segment of Annell Drive right-of-way (ROW). The study area begins at Joe B Jackson Parkway and extends to the south approximately 190 linear feet; the total study area is approximately 0.22 acres. The study area lies within the City of Murfreesboro's Urban Growth Boundary and adjoins the City to the north at Joe B Jackson Parkway and to the west.

City Staff has initiated this annexation because the adjacent 1.34-acre parcel at the southwest corner of Joe B Jackson Parkway and Annell Drive (Tax Map 136C, Group A, Parcel 1.00) is within the City limits and its development, including new driveway connections to Annell Drive, is anticipated in some form or fashion in the near future. The City would like to annex the Annell Drive ROW in preparation for the time when development plans for the adjacent parcel are submitted, so that all aspects of the plans review and permitting process will be within one jurisdiction.

Plan of Services

Staff has prepared a Plan of Services (POS) for the annexation of the property and it is included in the agenda packet. The POS indicates that the City will be able to provide services for the 190 linear feet segment of Annell Drive ROW. Upon annexation, the City would become responsible for operation and maintenance of this road segment.

The Rutherford County Road Board will consider granting its consent to annex the subject ROW at its January 6, 2020 regular meeting. Staff will present the results of the meeting at the Planning Commission public hearing.

Action needed

The Planning Commission will need to conduct a public hearing, after which it will need to discuss this annexation petition and Plan of Services and formulate a recommendation for the City Council.

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
FEBRUARY 5, 2020**

PROJECT PLANNER, MARINA RUSH

4.a. Annexation plan of services and annexation petition [2019-516] for approximately 190 linear feet (0.22 acres) of Annell Drive right-of-way, City of Murfreesboro applicant.

The annexation is for an approximately 190 linear feet segment of Annell Drive right-of-way (ROW). The study area begins at Joe B Jackson Parkway and extends to the south approximately 190 linear feet; the total study area is approximately 0.22 acres. The study area lies within the City of Murfreesboro's Urban Growth Boundary and adjoins the City to the north at Joe B Jackson Parkway and to the west.

City Staff has initiated this annexation because the adjacent 1.34-acre parcel at the southwest corner of Joe B Jackson Parkway and Annell Drive (Tax Map 136C, Group A, Parcel 1.00) is within the City limits and its development, including new driveway connections to Annell Drive, are anticipated in some form or fashion in the near future. The City would like to annex the Annell Drive ROW in preparation for the time when we receive development plans for the adjacent parcel, so that all aspects of the plans review and permitting process will be within one jurisdiction.

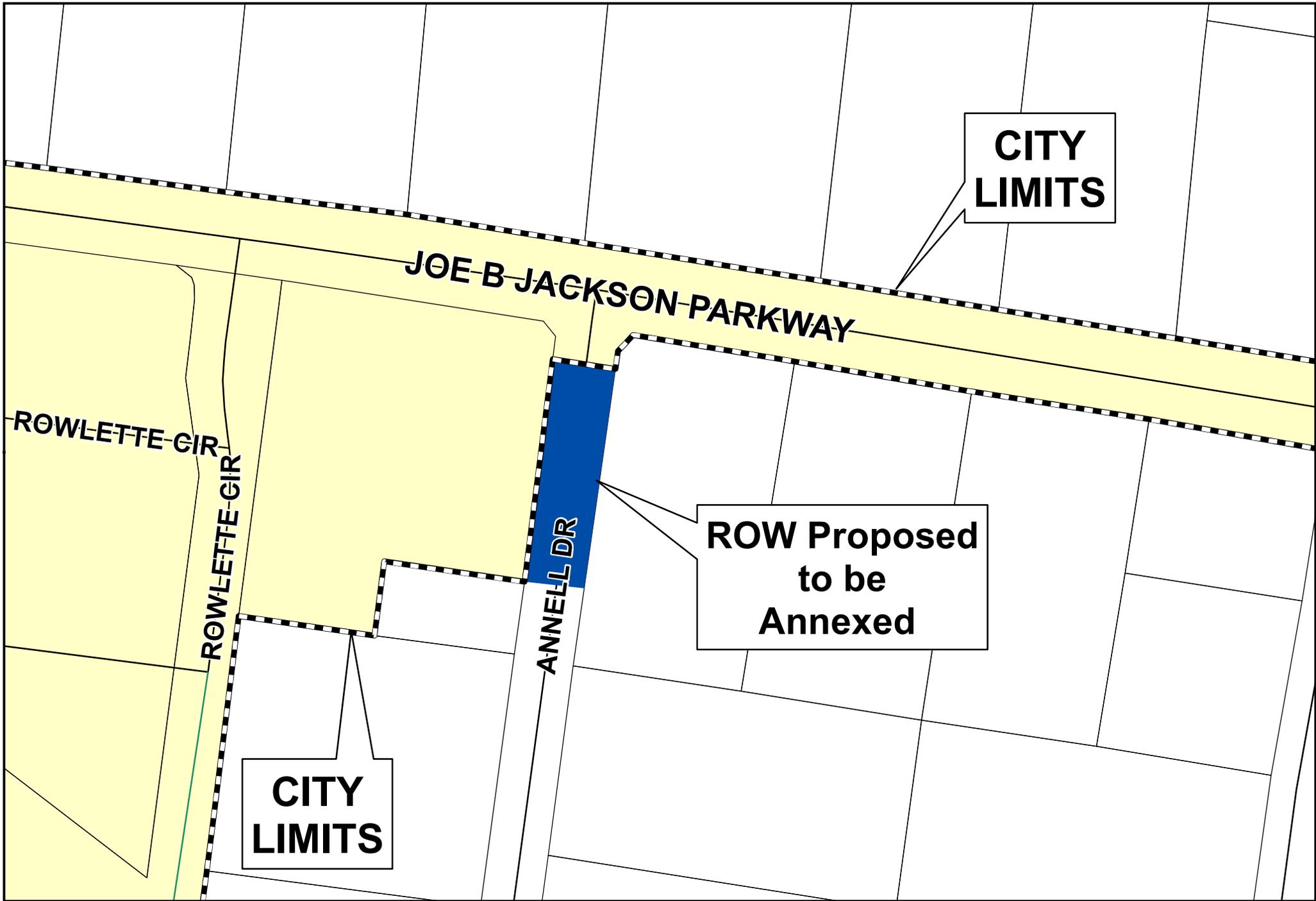
Plan of Services

Staff has prepared a Plan of Services (POS) for the annexation of the property and it is included in the agenda packet. The POS indicates that the City will be able to provide services for the 190 linear feet segment of Annell Drive ROW. Upon annexation, the City would become responsible for operation and maintenance of this road segment.

The Rutherford County Road Board deferred its decision on granting consent to annex the subject ROW at their January 6, 2020 regular meeting to a later date. If they schedule this item for the February 3, 2020 Rutherford County Road Board meeting, staff will present the results of that meeting to the Planning Commission.

Action needed

The Public Hearing was closed on January 8, 2020 and the matter deferred. The Planning Commission will need to consider this matter under "Old Business" and then formulate a recommendation for the City Council.



**CITY
LIMITS**

JOE B JACKSON PARKWAY

ROWLETTE GIR

ROWLETTE GIR

ANNELL DR

**ROW Proposed
to be
Annexed**

**CITY
LIMITS**



Annexation Request of Annell Drive Right-of-Way (ROW)



Planning Department
City of Murfreesboro
111 West Vine Street
Murfreesboro, TN 37130
murfreesborotn.gov/planning



Annexation Request of Annell Drive Right-of-Way (ROW)



Planning Department
City of Murfreesboro
111 West Vine Street
Murfreesboro, TN 37130
murfreesborotn.gov/planning

Consent for Annexation of Public Right-of-Way by the City of Murfreesboro

The City of Murfreesboro, Tennessee has initiated an annexation study of public right-of-way as shown on the attached Exhibit, which specifically includes that section of Annell Drive from just south of Joe B Jackson Parkway southward to the southern boundary line of 264 Joe B Jackson Parkway, totaling approximately 190 linear feet ("County Right-of-Way"), such section being a portion of the prescriptive/platted right-of-way for Annell Drive shown in the current Rutherford County Highway Department Road Book. The undersigned, a duly authorized official of Rutherford County, Tennessee, hereby certifies that, at a public meeting held on February 3, 2020 and in furtherance of the requirements set forth in Tenn.Code Ann. § 6-51-1014, the Rutherford County Highway Commission consented to the annexation of the County Right-of-Way by the City of Murfreesboro, Tennessee.

WITNESS MY HAND this 3rd day of February 2020.

Greg Brooks

Greg Brooks
Rutherford County Road Superintendent

Sworn to and subscribed before me, a notary public in and for said county and state in Murfreesboro, Tennessee on the 3rd day of February, 2020

Merry R. Hickerson
NOTARY PUBLIC

My Commission Expires: 5-19-2020



**ANNEXATION REPORT FOR
ANNELL DRIVE RIGHT-OF-WAY
INCLUDING PLAN OF SERVICES
(FILE 2019-516)**



**PREPARED FOR THE
MURFREESBORO PLANNING COMMISSION
JANUARY 8, 2020**



Annexation Request of Annell Drive Right-of-Way (ROW)



Planning Department
City of Murfreesboro
111 West Vine Street
Murfreesboro, TN 37130
murfreesboro.gov/planning

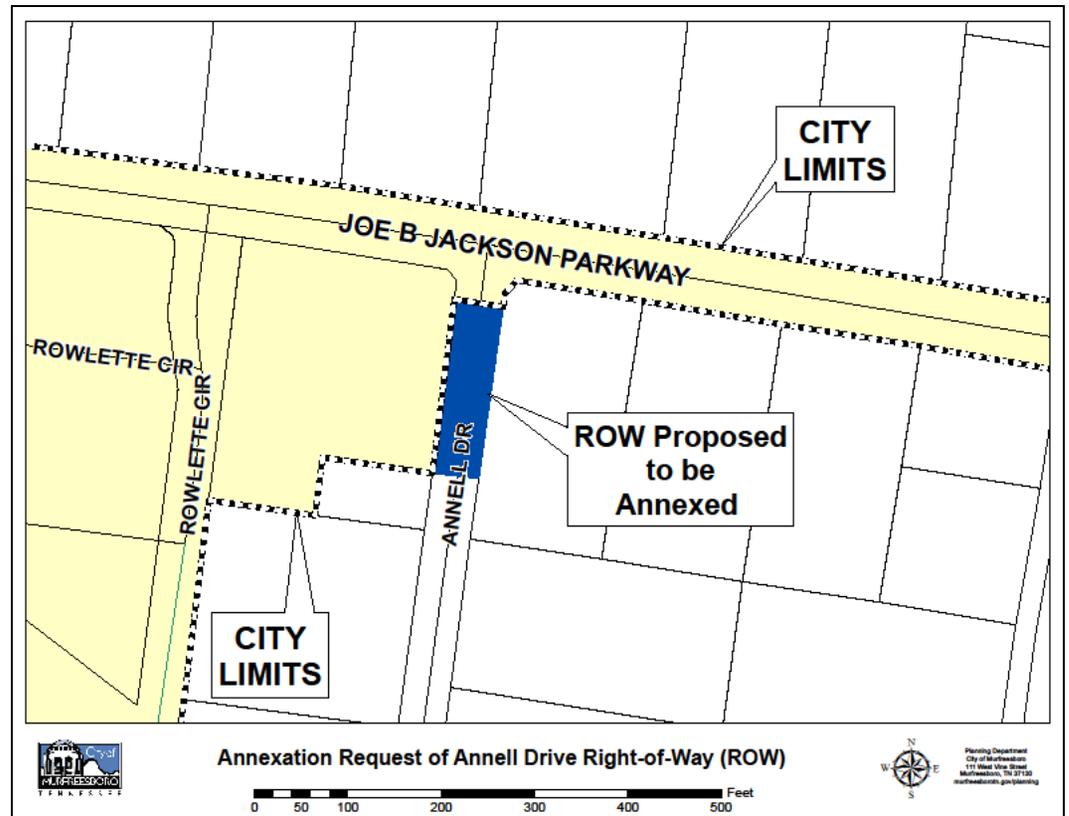
INTRODUCTION

OVERVIEW

The annexation is for an approximately 190 linear foot segment of Annell Drive right-of-way (ROW). The study area begins at Joe B Jackson Parkway and extends to the south approximately 190 linear feet; the total study area is approximately 0.22 acres.

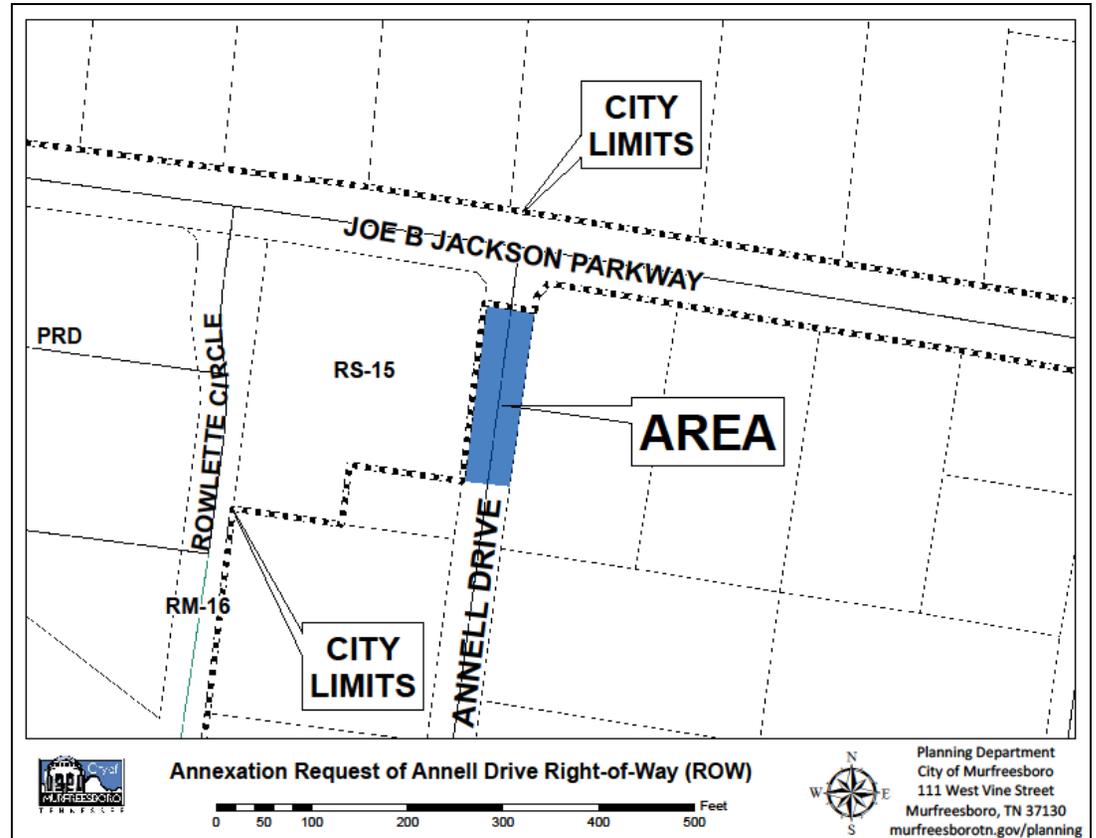
City Staff has initiated this annexation because the adjacent 1.34-acre parcel at the southwest corner of Joe B Jackson Parkway and Annell Drive (Tax Map 136C, Group A, Parcel 1.00) is within the City limits and its development, including new driveway connections to Annell Drive, is anticipated. The City would like to annex the Annell Drive ROW in preparation for the time when we receive development plans for the adjacent parcel, so that all aspects of the plans review and permitting process will be within one jurisdiction.

The study area lies within the City of Murfreesboro's Urban Growth Boundary and adjoins the City to the north at Joe B Jackson Parkway and to the west.



CITY ZONING

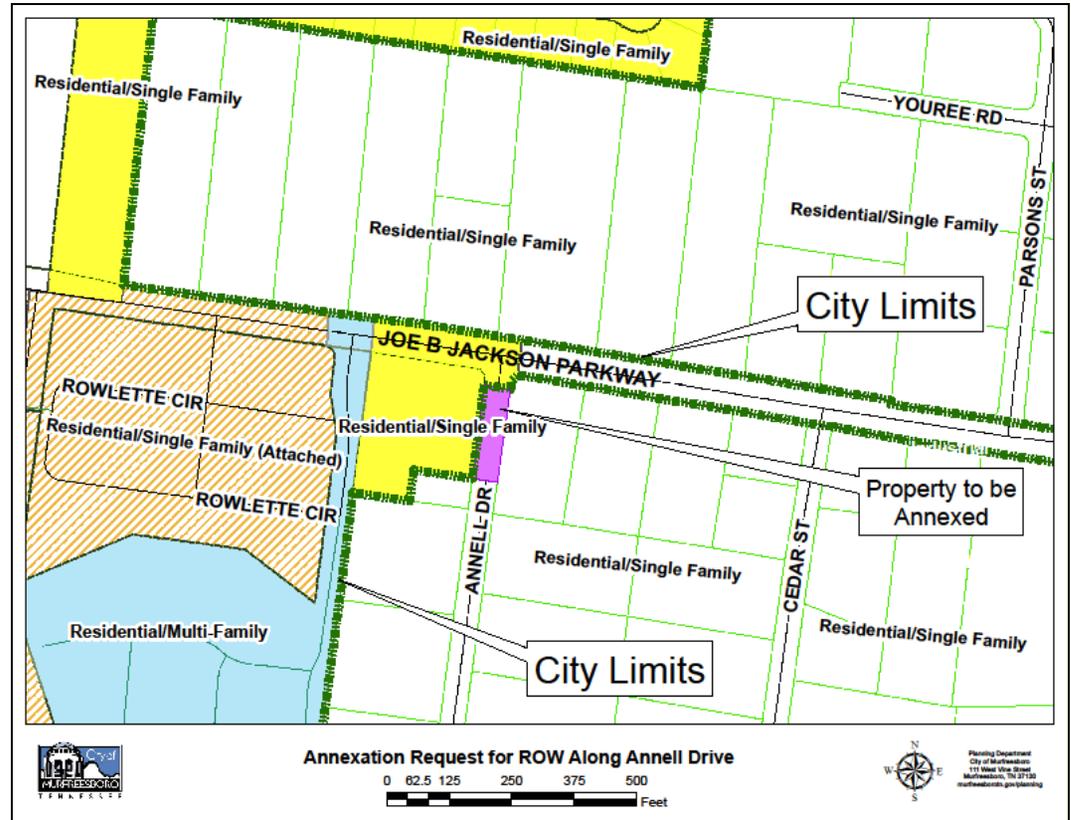
The adjacent zoning on the properties to the west are RS-15, PRD, and RM-16. The properties to the north, south and east are RM and are in the unincorporated portion of Rutherford County and are primarily single-family residences on large lots. Because the study area is right-of-way, it will receive no zoning classification upon annexation.



PRESENT AND SURROUNDING LAND USE

The study area is an approximately 190-foot segment of Annell Drive ROW. The surrounding land uses include:

- Single-family detached residences to the north, west, east, and south; and
- Single-family attached residences further to the west, the Villas of Baskinwood.



PLAN OF SERVICES

POLICE PROTECTION

The annexation is for a 190-foot segment of Annell Drive ROW and will not have an impact on City police protection. The Murfreesboro Police Department will be able to provide services immediately upon the effective date of annexation.

ELECTRIC SERVICE

The study area is located inside the service boundary of Middle Tennessee Electric Membership Corporation (MTEMC). MTEMC has existing electrical infrastructure within the subject ROW. No new electrical infrastructure is anticipated with this annexation.

STREET LIGHTING

The study area is located inside the service boundary of MTEMC. Street lighting is provided at the intersection of Joe B Jackson and Annell Drive. No new street lighting is anticipated with this annexation. However, if the City determines that street lights are necessary along the subject ROW, MTEMC has the ability to install street lights upon request by the City.

SOLID WASTE COLLECTION

The annexation is for a 190-foot segment of Annell Drive ROW and will not have an impact on the City Solid Waste Department.

RECREATION

The annexation is for a 190-foot segment of Annell Drive ROW and will not have an impact on the City Recreation.

CITY SCHOOLS

The annexation is for a 190-foot segment of Annell Drive ROW and will not have an impact on Murfreesboro City Schools. The Murfreesboro City School system serves grades kindergarten through sixth and is offered to students who are within the jurisdiction of the City of Murfreesboro.

BUILDING AND CODES

The annexation is for a 190-foot segment of Annell Drive ROW and will not have an impact on the City Building and Codes Department.

PLANNING, ENGINEERING, AND ZONING SERVICES

The annexation is for a segment of Annell Drive ROW. Because it is for ROW only, the impact to the Planning Department will be minimal. However, the City Engineering Department will be responsible for reviewing new connections to the subject ROW.

GEOGRAPHIC INFORMATION SYSTEMS

The property is within the area photographed and digitized as part of the City's Geographic Information Systems (G.I.S.) program.

STREETS AND ACCESS

The annexation study area includes approximately 190 linear feet of Annell Drive ROW. Annell Drive is a 2-lane ditch section roadway. Upon annexation, the City will become responsible for the operation and maintenance of this street. Based on a 20-year repaving cycle, the annualized maintenance cost is \$210 with State Street Aid and General Fund as funding sources. The addition of the ROW will also result in \$50 of capital cost with State Street Aid and General Fund as funding sources.

Any new connections to the roadway must be approved by the City Engineer. Additionally, development along this roadway may require participation in improvements to upgrade the roadway and ROW/easement dedication in accordance with the City's Substandard Street requirements.

REGIONAL TRAFFIC & TRANSPORTION

Annell Drive intersects with Joe B Jackson Parkway. The 2014 Level of Service Model in the 2040 Major Transportation Plan (MTP) indicates Joe B Jackson Parkway is operating at a Level of Service A based on average daily traffic (ADT). The 2040 Level of Service Model shows that Joe B Jackson Parkway operates at a level of service of D without the proposed improvements recommended in the 2040 MTP and also operates at a level of service D with the proposed improvements.

PROPERTY AND DEVELOPMENT

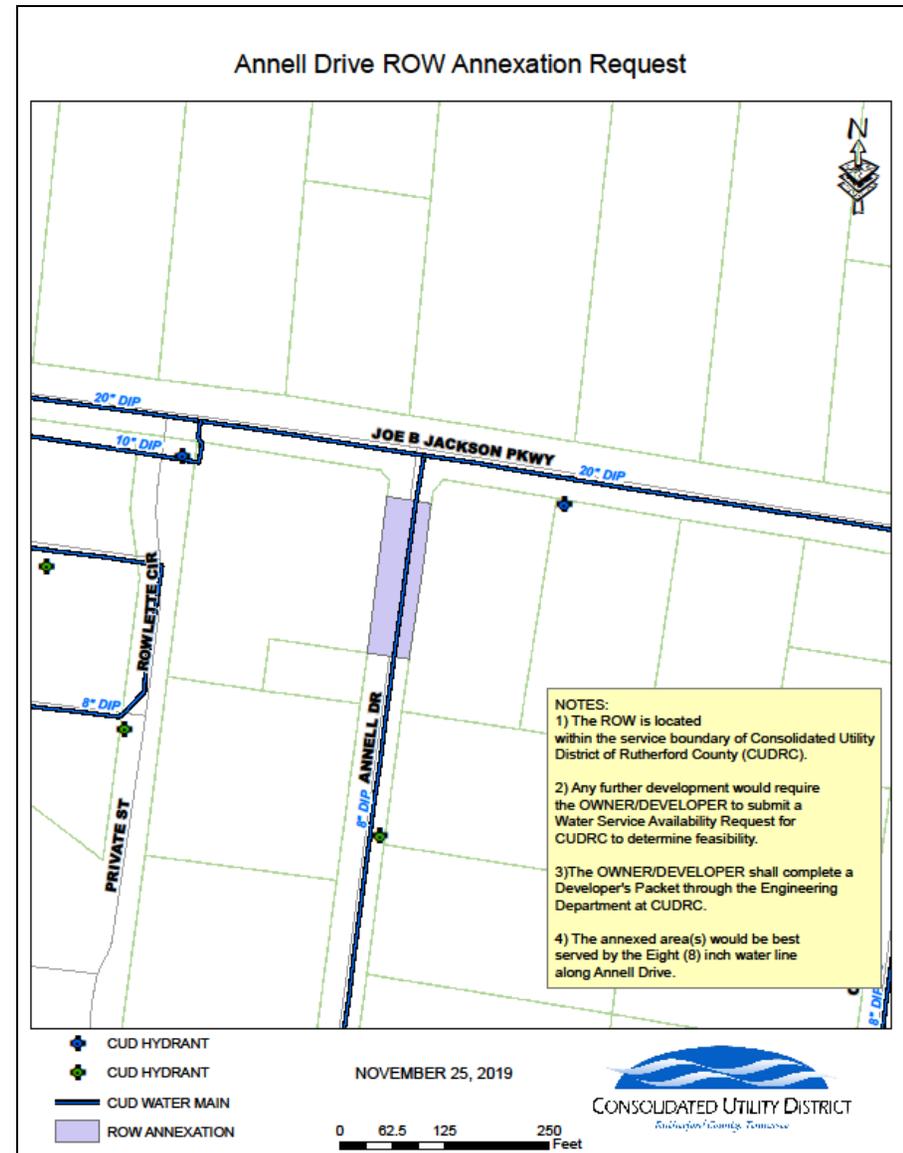
The annexation study area only includes public street ROW. Any new connections to the roadway must be approved by the City Engineer. Additionally, developments along this roadway will be require participation in improvements to upgrade the roadway and ROW/easement dedication in accordance with the City's Substandard Street policy requirements.

WATER SERVICE

The study area is located within Consolidated Utility District of Rutherford County's (CUDRC) service area. CUDRC has an existing eight (8) inch water main along Annell Drive to serve the annexed area, as illustrated in the attached exhibit.

SANITARY SEWER SERVICE

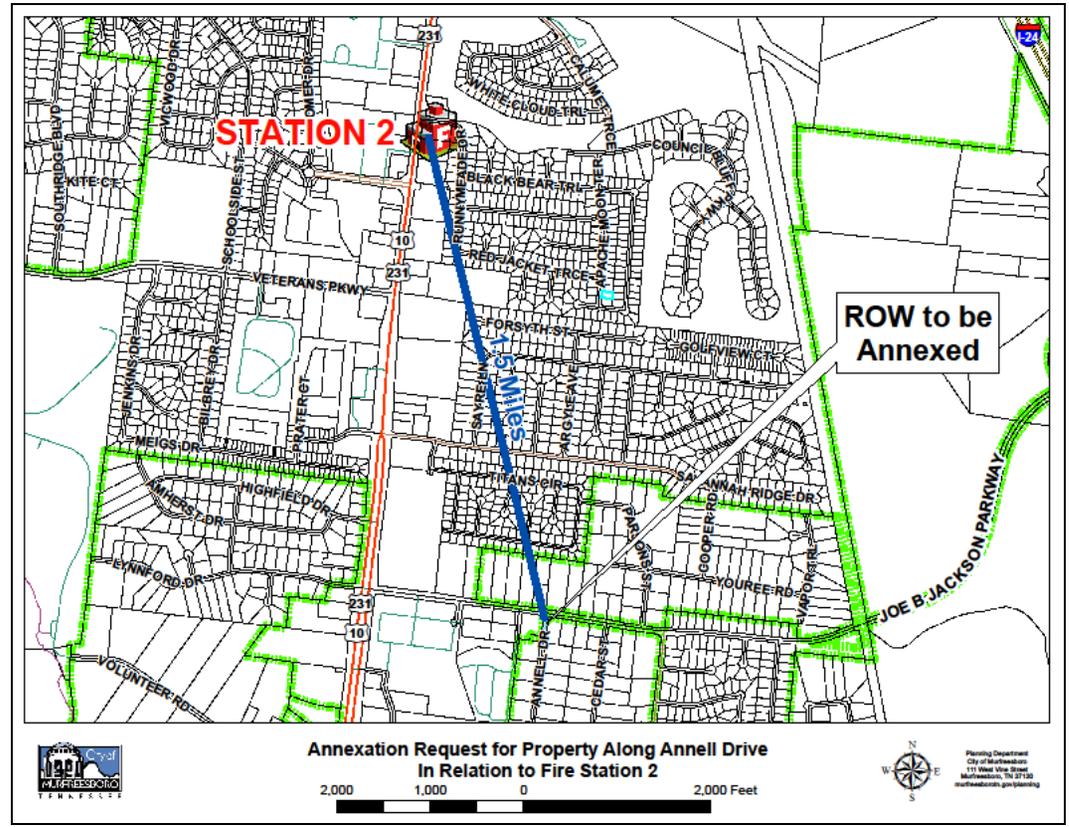
The annexation is for a 190-foot segment of Annell Drive ROW and will not have an impact on the City sanitary sewer service.



FIRE AND EMERGENCY SERVICE

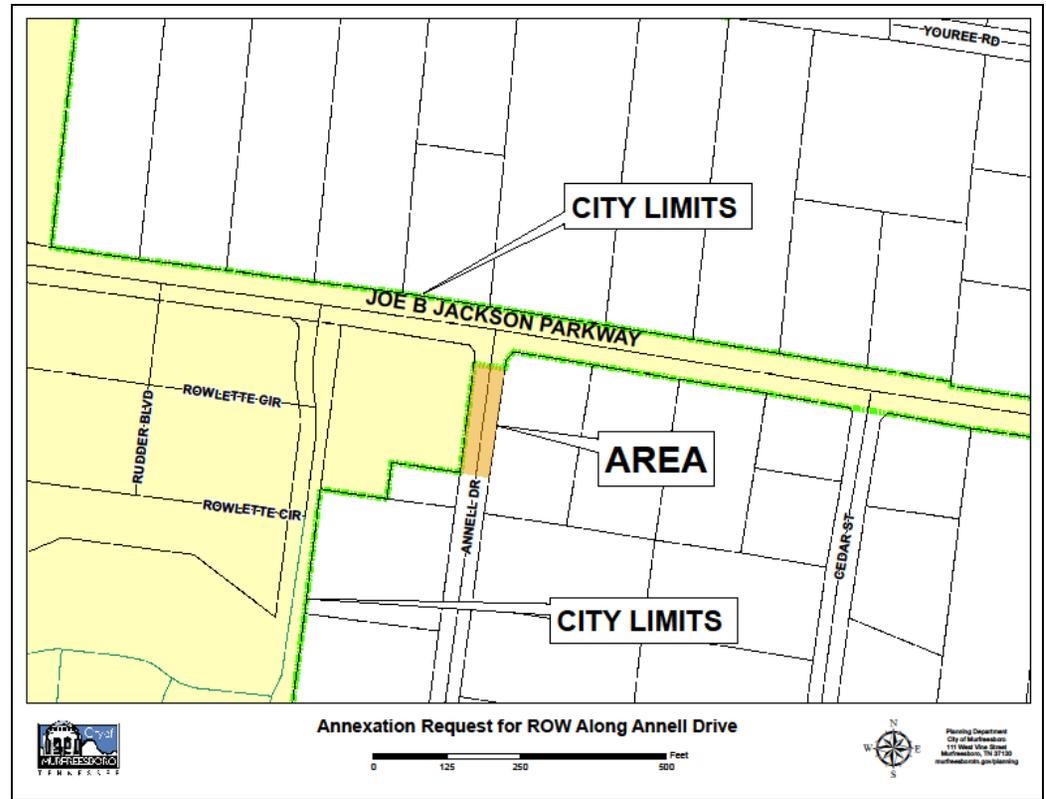
The annexation is for a 190-foot segment of Annell Drive ROW and will have minimal impact on the Murfreesboro Fire and Rescue Department (MFRD). MFRD will provide emergency first responder services to the subject ROW immediately upon annexation.

The blue lines on the adjacent map represent linear distance ranges from the nearest fire station. Station 2 is located approximately 1.5 miles from the subject ROW.



FLOODWAY

The study area is not located within a floodway or 100-year floodplain as delineated on the Flood Insurance Rate Maps (FIRM) developed by the Federal Emergency Management Agency (FEMA).



DRAINAGE

Public Drainage System

The drainage systems along and within the roadway of Annell Drive are included in the study area and the property has access to the drainage system. Routine operation and maintenance costs for the drainage system integral to Annell are included in the public roadway annualized costs. No additional public drainage facilities are included in the study area. Any new public drainage facilities proposed to serve the study area in the future must meet City standards.

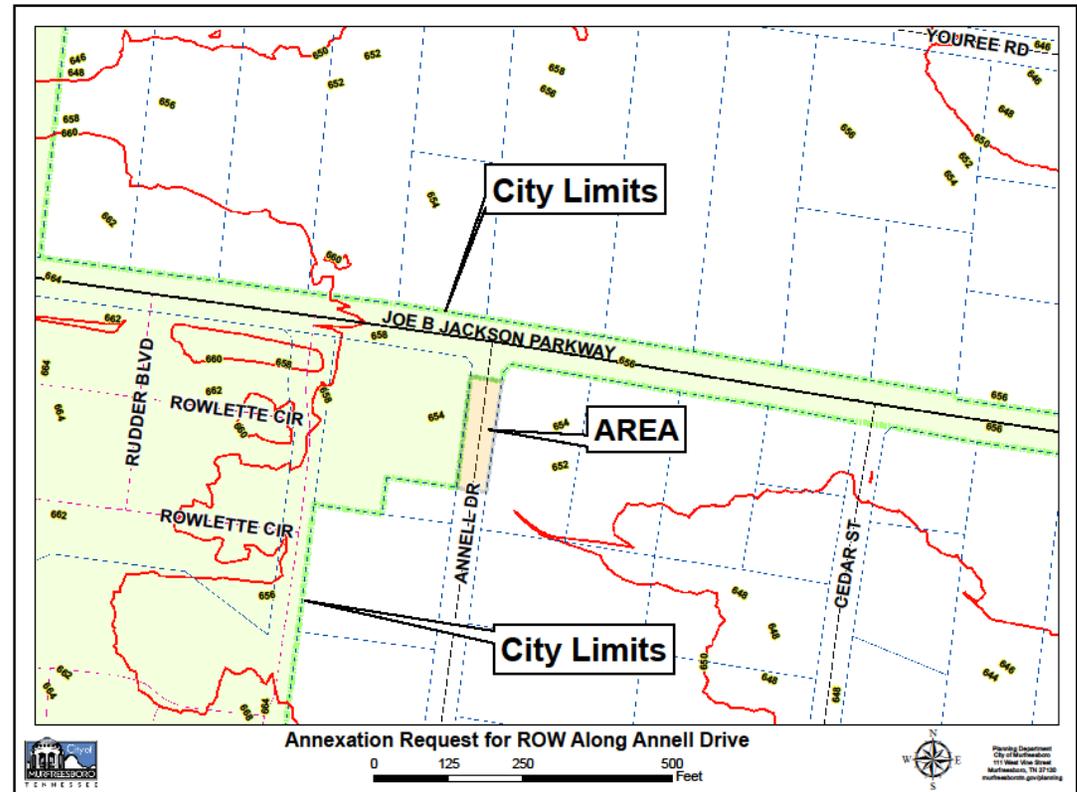
Regional Drainage Conditions

The study area drains to the ROW of Annell Drive and then to the east until it reaches a miscellaneous tributary to the Middle Fork of the Stones River.

Stormwater Management and Utility Fees

The annexation study area is limited to public ROW and will not generate revenue for the Stormwater Utility Fee.

The red lines on the adjacent map represent ten-foot contours. The black lines represent two-foot intervals.



ANNEXATION FOLLOW-UP

The Murfreesboro City Council will be responsible for ensuring that this property will receive City services described in this plan. According to the Tennessee Growth Policy Act, six months following the effective date of annexation, and annually thereafter until all services have been extended, a progress report is to be prepared and published in a newspaper of general circulation. This report will describe progress made in providing City services according to the plan of services and any proposed changes to the plan. A public hearing will also be held on the progress report.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 8, 2020

6:00 P.M.

City Hall

MEMBERS PRESENT

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

STAFF PRESENT

Matthew Blomeley, Assistant Planning Director
Marina Rush, Principal Planner
Amelia Kerr, Planner
Carolyn Jaco, Recording Assistant
David Ives, Deputy City Attorney
Roman Hankins, Assistant City Attorney
Sam Huddleston, Exec. Dir. Of Dev. Services
Greg McKnight, Interim Planning Director

Kathy Jones called the meeting to order after determining there was a quorum.

New Business

Zoning application [2019-445] for approximately 0.89 acres located along Bradyville Pike west of Minerva Drive to be rezoned from RS-10 to PCD (Bradyville Center PCD), Ken Xayabudda applicant. Ms. Amelia Kerr summarized the zoning application from the staff report, which had been provided to the Planning Commission in the agenda packet.

Mr. Clyde Rountree and Mr. Ken Xayabudda were in attendance representing the application. Mr. Rountree came forward to begin a PowerPoint presentation from the applicant's pattern book. He stated the proposed commercial center had been designed for multiple tenants and the potential for a restaurant with an open patio area. This would be a nice architectural building that would become a trend setter and an asset to the existing neighborhood.

Mr. Eddie Smotherman commented on this area having a high volume of traffic. Would sidewalks be included with this site? Mr. Blomeley made known Bradyville Pike has been approved for roadway improvements with sidewalks in this area. Currently, the City has begun the right-of-way acquisition process for approximately 150 properties. Once that is completed it would be a year before construction would begin. Mr. David Ives explained the Tennessee Department of

MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 8, 2020

recommended that the rear of the buildings for each individual unit should have its own color so it would not be so monotonous. Mr. Burns stated he would address the exact tone of colors further that would be suitable with the neighborhood. Chair Kathy Jones wanted additional information regarding painted brick. Mr. Burns stated the paint material he uses on the brick is guaranteed for 25 years. All of the exterior of the buildings, the landscaping, the dog run, and on-street parking would be managed by the Homeowners Association. Chair Jones voiced her concerns regarding the size of the garages. Mr. Burns made known that the garage doors he would be using are sixteen-foot wide which is the same that had been approved for his other developments. Mr. Blomeley stated the sixteen-foot garage door is not the issue it is the width of the interior of the garage being only eighteen-foot wide is Staff's concern. He recommended the development include twenty-foot wide garages to provide enough room for two vehicles, trash can, etc. Mr. Burns stated they do not have the space to increase the size of the garages to twenty feet. Most townhomes have only one-car garages but they are proposing two-car garages for this development.

Chair Kathy Jones opened the public hearing. No one came forward to speak for or against the zoning application; therefore, Chair Kathy Jones closed the public hearing.

Mr. Chase Salas made a motion to approve subject to all staff comments, seconded by Mr. Ronnie Martin. The motion carried by unanimous vote in favor.

Annexation plan of services and annexation petition [2019-516] for approximately 190 linear feet (0.22 acres) of Annell Drive right-of-way, City of Murfreesboro applicant. Ms. Marina Rush summarized the annexation petition from the staff report, which had been provided to the Planning Commission in the agenda packet.

Ms. Rush explained that City staff had taken this request to the Rutherford County Road Board on January 6, 2020. The County Road Board had deferred this request so they could conduct further research for legal reasons on how they should provide consent. The Road Board would

MINUTES OF THE MURFREESBORO PLANNING COMMISSION JANUARY 8, 2020

reconvene next month for consideration of this annexation. Therefore, Staff is asking for a deferral on this annexation request. In addition, due to the public hearing being advertised, we are required to conduct the public hearing.

Chair Kathy Jones opened the public hearing. No one came forward to speak for or against the annexation petition; therefore, Chair Kathy Jones closed the public hearing.

Mr. Warren Russell made a motion to defer the annexation petition and plan of services, seconded by Mr. Ken Halliburton. The motion carried by unanimous vote in favor.

Proposed amendments to the Zoning Ordinance [2019-809], City of Murfreesboro Planning Department applicant. Mr. Matthew Blomeley and Mr. David Ives summarized the proposed amendments from the staff report, which had been provided to the Planning Commission in the agenda packet. The Zoning Ordinance sections proposed to be amended included:

- Section 2: Interpretation and Definitions, regarding the definition of “family”;*
- Section 10: Variances;*
- Section 18: Regulations of General Applicability, regarding lighting fixtures at recreational fields; and*
- Section 27: Landscaping and Screening, regarding landscaping for stormwater management areas.*

Chair Kathy Jones opened the public hearing. No one came forward to speak for or against the proposed amendments to the Zoning Ordinance; therefore, Chair Kathy Jones closed the public hearing.

The Planning Commission complimented Staff for their hard work in addressing these issues.

Mr. Ken Halliburton made a motion to approve subject to all staff comments, seconded by Mr. Warren Russell. The motion carried by unanimous vote in favor.

**MINUTES OF THE
MURFREESBORO PLANNING
COMMISSION
FEBRUARY 5, 2020**

MEMBERS PRESENT

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

STAFF PRESENT

Greg McKnight, Interim Planning Director
Matthew Blomeley, Asst. Planning Director
Margaret Ann Green, Principal Planner
Amelia Kerr, Planner
Carolyn Jaco, Recording Assistant
David Ives, Deputy City Attorney
Austin Cooper, Planner
Jafar Ware, Planner
Sam Huddleston, Exec. Dir. Of Dev. Services

Chair Kathy Jones called the meeting to order after determining there was a quorum.

Mr. Chase Salas made a motion to approve the minutes from the December 18, 2019 and January 8, 2020 Planning Commission meetings, seconded by Mr. Ken Halliburton. The motion carried by unanimous vote in favor.

Old Business

Annexation plan of services and annexation petition [2019-516] for approximately 190 linear feet (0.22 acres) of Annell Drive right-of-way, City of Murfreesboro applicant. Mr. Matthew Blomeley began by making known this annexation petition had been presented during the January 8, 2020 Planning Commission meeting and a public hearing had been conducted. At the ending of the public hearing the Planning Commission voted to defer the annexation and plan of services. He explained that on January 9, 2020, the Rutherford County Road Board had deferred the request for consent to annex the right-of-way. Since then, Rutherford County Road Board brought this item back up at their February 3, 2020 meeting and consented to the annexation of the right-of-way. Therefore, Staff recommends for the Planning Commission to approve and move this request forward to City Council.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION FEBRUARY 5, 2020

Continuing, Mr. Matthew Blomeley summarized the annexation petition from the staff report, which had been provided to the Planning Commission in the agenda packet. He stated Staff recommends for the annexation plan of services and annexation petition to be approved.

Mr. Ken Halliburton made a motion to approve the annexation plan of services and annexation petition, seconded by Mr. Warren Russell. The motion carried by unanimous vote in favor.

New Business

Annexation plan of services and annexation petition [2019-517] for approximately 1.6 acres located at 3505 Florence Road, Wiseman Investments applicant. Ms. Margaret Ann Green summarized the annexation petition from the staff report, which had been provided to the Planning Commission in the agenda packet.

Chair Kathy Jones opened the public hearing. No one came forward to speak for or against the annexation petition; therefore, Chair Kathy Jones closed the public hearing.

Mr. Ken Halliburton wanted to know if this was the same property that has a renter living in the home. Ms. Green answered yes, it was the same property.

Chair Kathy Jones requested for this item to be deferred until a rezoning public hearing is conducted due to additional information being provided for this proposal. She recommended the annexation petition and rezoning request be voted on at the same time with two separate motions.

Ms. Margaret Ann Green explained the annexation petition could move forward and if approved the property would be zoned as RS-15.

Mr. Clyde Rountree was in attendance to represent the applicant. Mr. Rountree came forward to explain the applicant prefers for their property to be rezoned as commercial or RS-6. At this time, the applicant does not want to raze the existing building that is on this property.

RESOLUTION 20-R-PS-06 to adopt a Plan of Services for approximately 190 linear feet (0.22 acres) of Annell Drive right-of-way (ROW), City of Murfreesboro, applicant. [2019-516]

WHEREAS, the Owner(s) of the territory identified on the attached map as the “Area to be Annexed” have either petitioned for annexation or given written consent to the annexation of such territory; and

WHEREAS, a proposed Plan of Services for such territory was prepared and published as required by T.C.A. §6-51-102 and T.C.A. §6-51-104; and

WHEREAS, the proposed Plan of Services was submitted to the Murfreesboro Planning Commission on January 8, 2020 for its consideration and a written report, at which time the Planning Commission held a public hearing and voted to defer action. On February 5, 2020, the Planning Commission considered the item under “Old Business” and voted to recommend approval of the Plan of Services to the City Council;

WHEREAS, a Public Hearing on the proposed Plan of Services was held before the City Council of the City of Murfreesboro, Tennessee, on May 21, 2020, pursuant to a Resolution passed and adopted by the City Council on April 2, 2020, and notice thereof published in The Murfreesboro Post, a newspaper of general circulation in said City, on May 5, 2020; and,

WHEREAS, the Plan of Services for the territory identified on the attached map as the “Area to be Annexed” establishes the scope of services to be provided and the timing of such services and satisfies the requirements of T.C.A. §6-51-102.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. That, pursuant to authority conferred by T.C.A. Sections 6-51-101, et seq., the Plan of Services attached hereto for the territory identified on the attached map as the “Area to be Annexed” is hereby adopted as it is reasonable with respect to the scope of services to be provided and the timing of such services.

SECTION 2. That this Resolution shall take effect upon the effective date of the Annexation Resolution with respect to the territory, **Resolution 20-R-A-06**, the public welfare and the welfare of the City requiring it.

Passed: _____

Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

Melissa B. Wright
City Recorder

DocuSigned by:
Adam F. Tucker

Adam F. Tucker
City Attorney

SEAL

**City
Limits**

JOE B JACKSON PARKWAY

ROWLETTE CIRCLE

ANNELL DRIVE

**Area to be
Annexed**

**City
Limits**



**ANNEXATION REPORT FOR
ANNELL DRIVE RIGHT-OF-WAY
INCLUDING PLAN OF SERVICES
(FILE 2019-516)**



**PREPARED FOR THE
MURFREESBORO PLANNING COMMISSION
JANUARY 8, 2020**



Annexation Request of Annell Drive Right-of-Way (ROW)



Planning Department
City of Murfreesboro
111 West Vine Street
Murfreesboro, TN 37130
murfreesboro.gov/planning

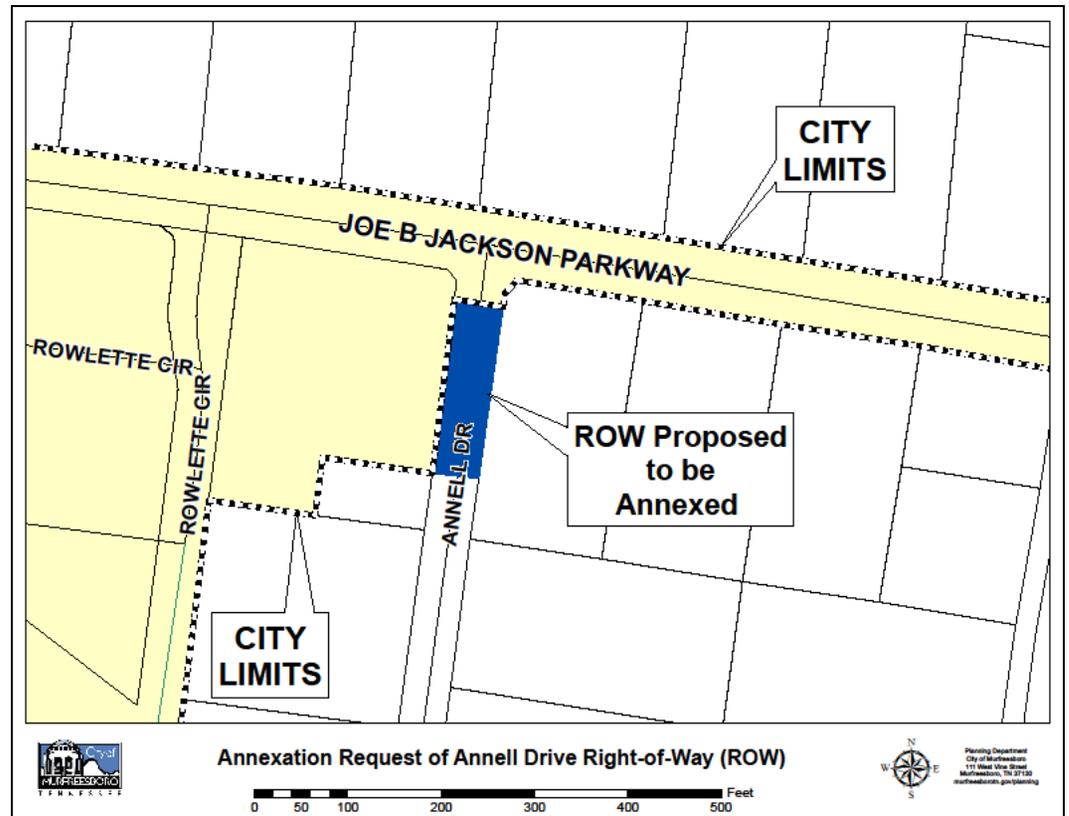
INTRODUCTION

OVERVIEW

The annexation is for an approximately 190 linear foot segment of Annell Drive right-of-way (ROW). The study area begins at Joe B Jackson Parkway and extends to the south approximately 190 linear feet; the total study area is approximately 0.22 acres.

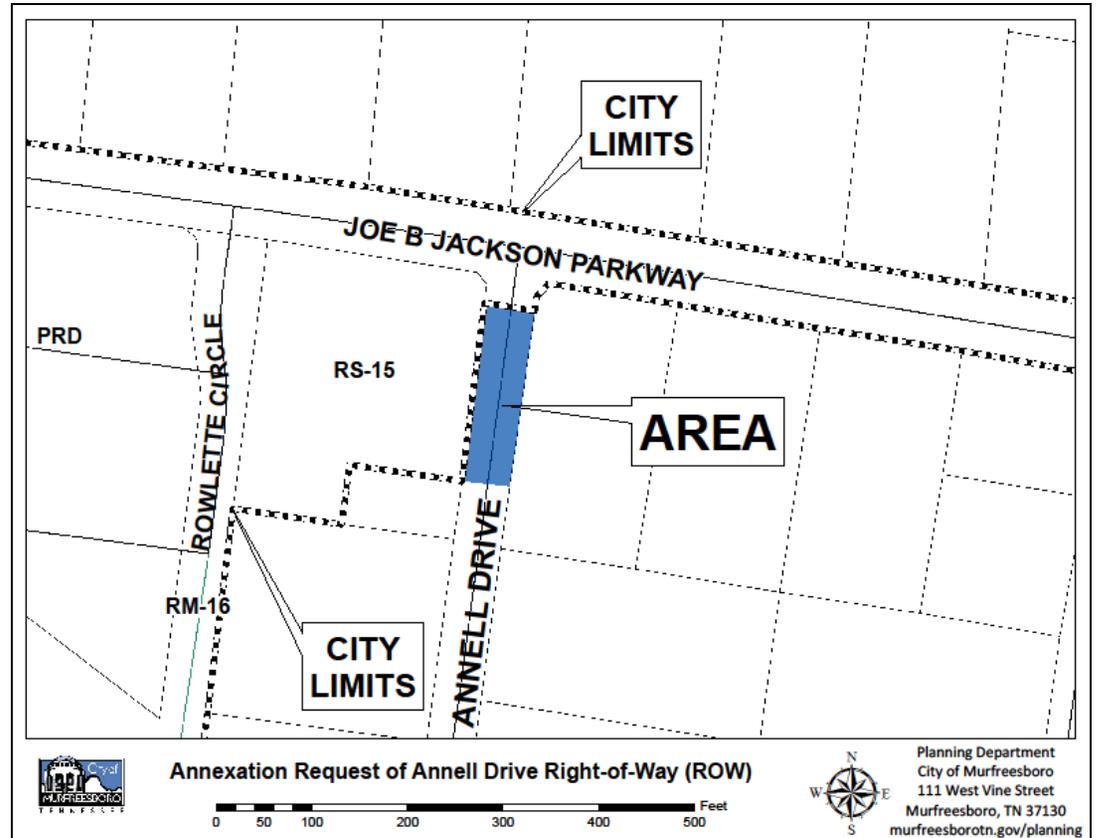
City Staff has initiated this annexation because the adjacent 1.34-acre parcel at the southwest corner of Joe B Jackson Parkway and Annell Drive (Tax Map 136C, Group A, Parcel 1.00) is within the City limits and its development, including new driveway connections to Annell Drive, is anticipated. The City would like to annex the Annell Drive ROW in preparation for the time when we receive development plans for the adjacent parcel, so that all aspects of the plans review and permitting process will be within one jurisdiction.

The study area lies within the City of Murfreesboro's Urban Growth Boundary and adjoins the City to the north at Joe B Jackson Parkway and to the west.



CITY ZONING

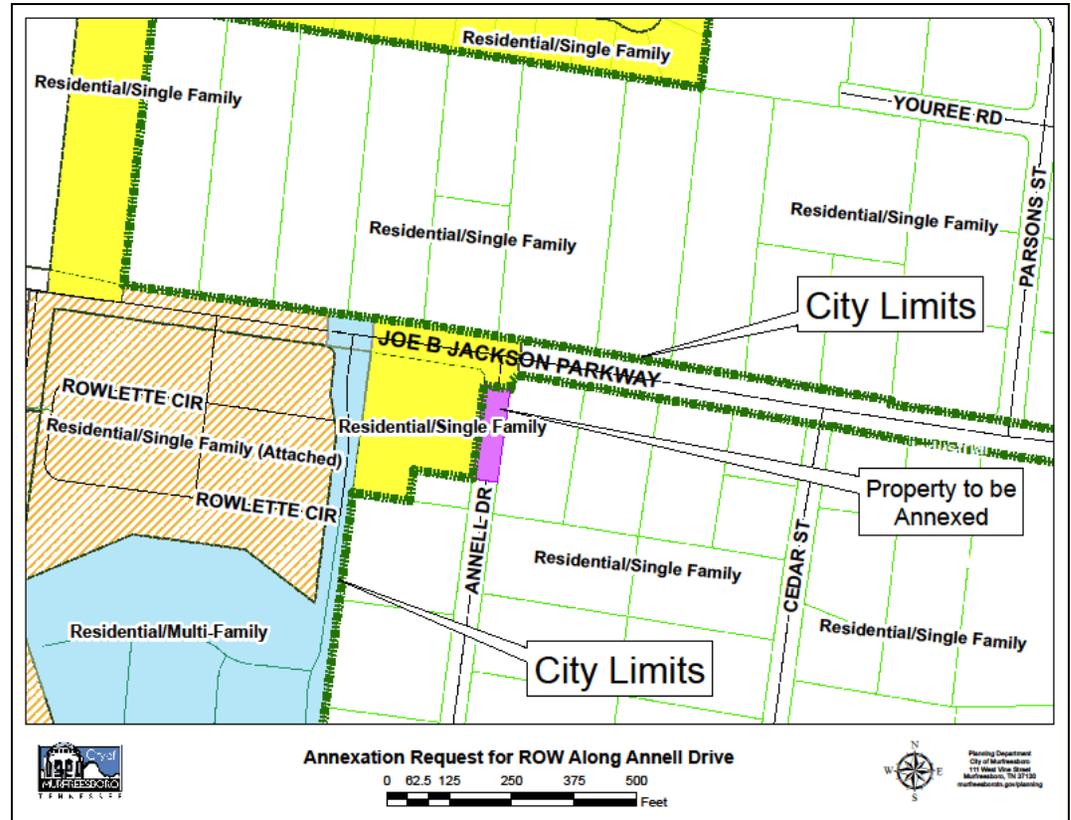
The adjacent zoning on the properties to the west are RS-15, PRD, and RM-16. The properties to the north, south and east are RM and are in the unincorporated portion of Rutherford County and are primarily single-family residences on large lots. Because the study area is right-of-way, it will receive no zoning classification upon annexation.



PRESENT AND SURROUNDING LAND USE

The study area is an approximately 190-foot segment of Annell Drive ROW. The surrounding land uses include:

- Single-family detached residences to the north, west, east, and south; and
- Single-family attached residences further to the west, the Villas of Baskinwood.



PLAN OF SERVICES

POLICE PROTECTION

The annexation is for a 190-foot segment of Annell Drive ROW and will not have an impact on City police protection. The Murfreesboro Police Department will be able to provide services immediately upon the effective date of annexation.

ELECTRIC SERVICE

The study area is located inside the service boundary of Middle Tennessee Electric Membership Corporation (MTEMC). MTEMC has existing electrical infrastructure within the subject ROW. No new electrical infrastructure is anticipated with this annexation.

STREET LIGHTING

The study area is located inside the service boundary of MTEMC. Street lighting is provided at the intersection of Joe B Jackson and Annell Drive. No new street lighting is anticipated with this annexation. However, if the City determines that street lights are necessary along the subject ROW, MTEMC has the ability to install street lights upon request by the City.

SOLID WASTE COLLECTION

The annexation is for a 190-foot segment of Annell Drive ROW and will not have an impact on the City Solid Waste Department.

RECREATION

The annexation is for a 190-foot segment of Annell Drive ROW and will not have an impact on the City Recreation.

CITY SCHOOLS

The annexation is for a 190-foot segment of Annell Drive ROW and will not have an impact on Murfreesboro City Schools. The Murfreesboro City School system serves grades kindergarten through sixth and is offered to students who are within the jurisdiction of the City of Murfreesboro.

BUILDING AND CODES

The annexation is for a 190-foot segment of Annell Drive ROW and will not have an impact on the City Building and Codes Department.

PLANNING, ENGINEERING, AND ZONING SERVICES

The annexation is for a segment of Annell Drive ROW. Because it is for ROW only, the impact to the Planning Department will be minimal. However, the City Engineering Department will be responsible for reviewing new connections to the subject ROW.

GEOGRAPHIC INFORMATION SYSTEMS

The property is within the area photographed and digitized as part of the City's Geographic Information Systems (G.I.S.) program.

STREETS AND ACCESS

The annexation study area includes approximately 190 linear feet of Annell Drive ROW. Annell Drive is a 2-lane ditch section roadway. Upon annexation, the City will become responsible for the operation and maintenance of this street. Based on a 20-year repaving cycle, the annualized maintenance cost is \$210 with State Street Aid and General Fund as funding sources. The addition of the ROW will also result in \$50 of capital cost with State Street Aid and General Fund as funding sources.

Any new connections to the roadway must be approved by the City Engineer. Additionally, development along this roadway may require participation in improvements to upgrade the roadway and ROW/easement dedication in accordance with the City's Substandard Street requirements.

REGIONAL TRAFFIC & TRANSPORTION

Annell Drive intersects with Joe B Jackson Parkway. The 2014 Level of Service Model in the 2040 Major Transportation Plan (MTP) indicates Joe B Jackson Parkway is operating at a Level of Service A based on average daily traffic (ADT). The 2040 Level of Service Model shows that Joe B Jackson Parkway operates at a level of service of D without the proposed improvements recommended in the 2040 MTP and also operates at a level of service D with the proposed improvements.

PROPERTY AND DEVELOPMENT

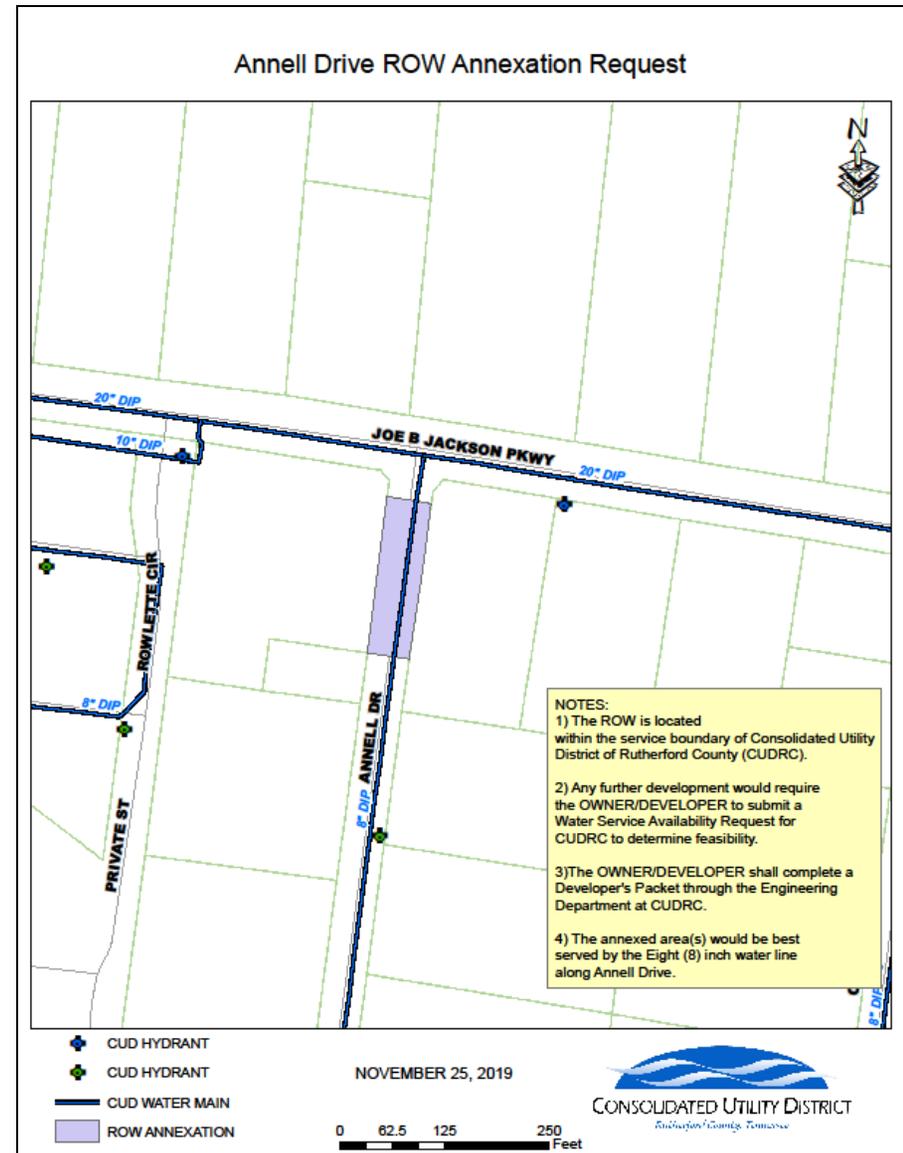
The annexation study area only includes public street ROW. Any new connections to the roadway must be approved by the City Engineer. Additionally, developments along this roadway will be require participation in improvements to upgrade the roadway and ROW/easement dedication in accordance with the City's Substandard Street policy requirements.

WATER SERVICE

The study area is located within Consolidated Utility District of Rutherford County's (CUDRC) service area. CUDRC has an existing eight (8) inch water main along Annell Drive to serve the annexed area, as illustrated in the attached exhibit.

SANITARY SEWER SERVICE

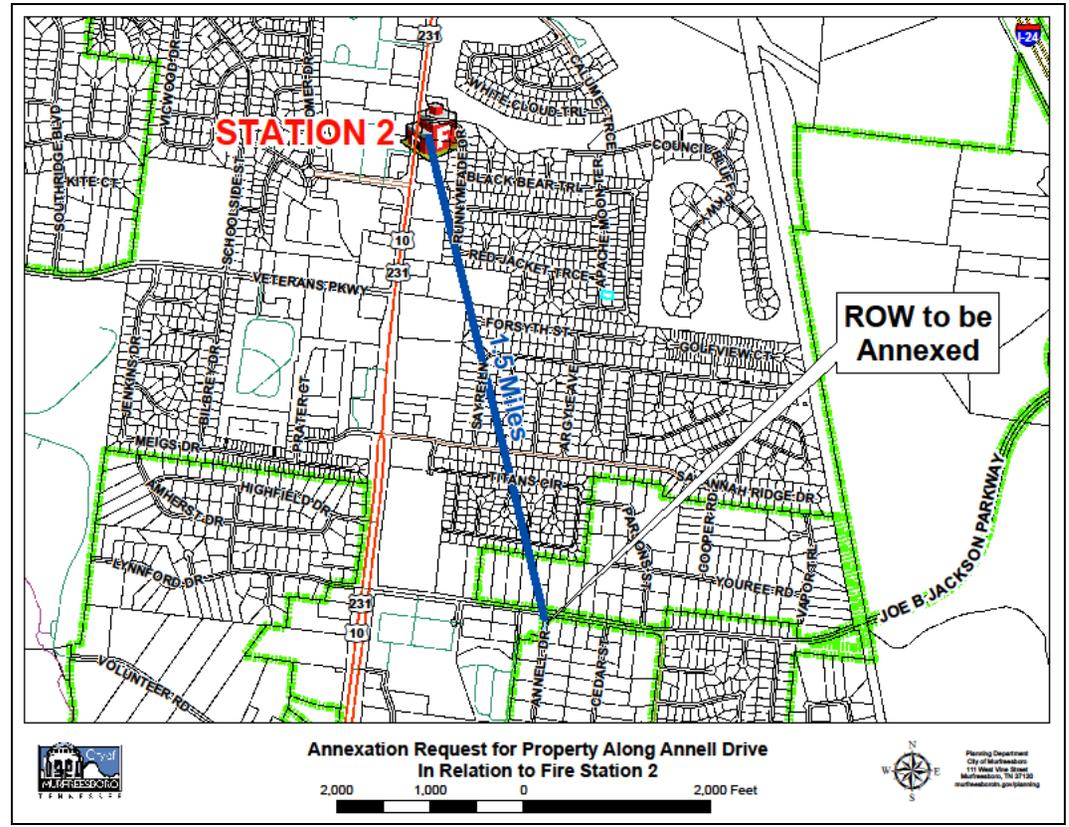
The annexation is for a 190-foot segment of Annell Drive ROW and will not have an impact on the City sanitary sewer service.



FIRE AND EMERGENCY SERVICE

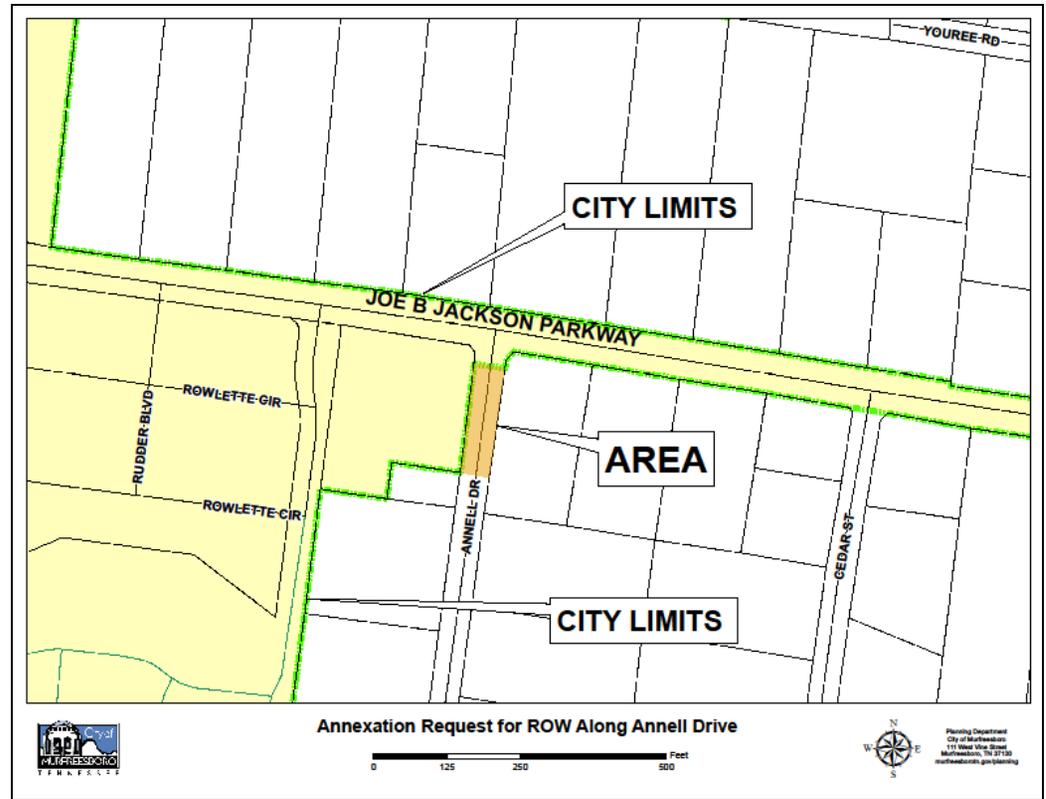
The annexation is for a 190-foot segment of Annell Drive ROW and will have minimal impact on the Murfreesboro Fire and Rescue Department (MFRD). MFRD will provide emergency first responder services to the subject ROW immediately upon annexation.

The blue lines on the adjacent map represent linear distance ranges from the nearest fire station. Station 2 is located approximately 1.5 miles from the subject ROW.



FLOODWAY

The study area is not located within a floodway or 100-year floodplain as delineated on the Flood Insurance Rate Maps (FIRM) developed by the Federal Emergency Management Agency (FEMA).



DRAINAGE

Public Drainage System

The drainage systems along and within the roadway of Annell Drive are included in the study area and the property has access to the drainage system. Routine operation and maintenance costs for the drainage system integral to Annell are included in the public roadway annualized costs. No additional public drainage facilities are included in the study area. Any new public drainage facilities proposed to serve the study area in the future must meet City standards.

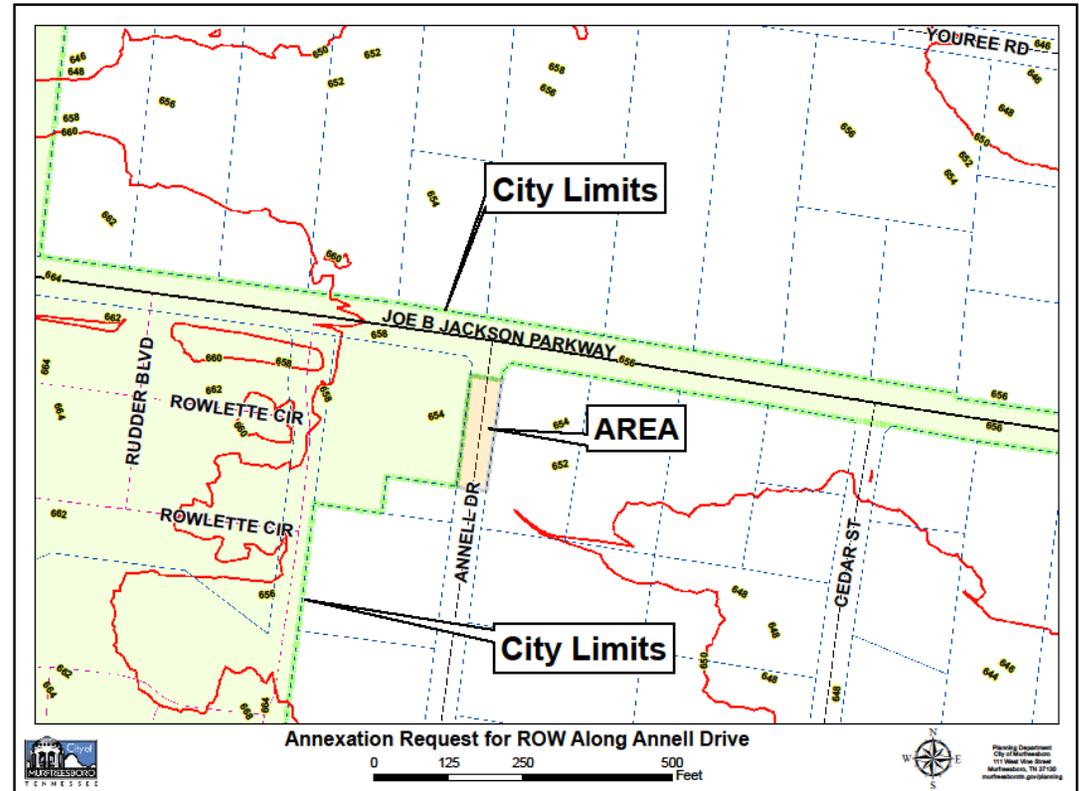
Regional Drainage Conditions

The study area drains to the ROW of Annell Drive and then to the east until it reaches a miscellaneous tributary to the Middle Fork of the Stones River.

Stormwater Management and Utility Fees

The annexation study area is limited to public ROW and will not generate revenue for the Stormwater Utility Fee.

The red lines on the adjacent map represent ten-foot contours. The black lines represent two-foot intervals.



ANNEXATION FOLLOW-UP

The Murfreesboro City Council will be responsible for ensuring that this property will receive City services described in this plan. According to the Tennessee Growth Policy Act, six months following the effective date of annexation, and annually thereafter until all services have been extended, a progress report is to be prepared and published in a newspaper of general circulation. This report will describe progress made in providing City services according to the plan of services and any proposed changes to the plan. A public hearing will also be held on the progress report.

RESOLUTION 20-R-A-06 to annex approximately 190 linear feet (0.22 acres) of Annell Drive right-of-way (ROW), and to incorporate the same within the corporate boundaries of the City of Murfreesboro, Tennessee, City of Murfreesboro, applicant. [2019-516]

WHEREAS, the Owner(s) of the territory identified on the attached map as the “Area Annexed” have either petitioned for annexation or given written consent to the annexation of such territory; and

WHEREAS, a Plan of Services for such territory was adopted by Resolution 20-R-PS-06 on May 21, 2020; and

WHEREAS, the Planning Commission held a public hearing on the proposed annexation of such territory on January 8, 2020, deferred action, and then voted on February 5, 2020 to recommend approval of the annexation; and

WHEREAS, the annexation of such territory is deemed beneficial for the welfare of the City of Murfreesboro as a whole.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. That, pursuant to authority conferred by T.C.A. Sections 6-51-101, et seq., the territory identified on the attached map as the “Area Annexed” is hereby annexed to the City of Murfreesboro, Tennessee and incorporated within the corporate boundaries thereof.

SECTION 2. That this Resolution shall take effect upon its passage, the public welfare and the welfare of the City requiring it.

Passed: _____

Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

Melissa B. Wright
City Recorder

DocuSigned by:
Adam F. Tucker
43A2095E51F8401...

Adam F. Tucker
City Attorney

SEAL

Resolution 20-R-A-06

**CITY
LIMITS**

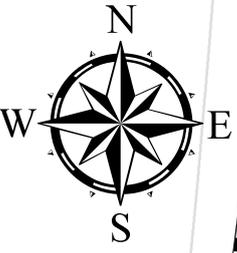
JOE B JACKSON PARKWAY

**Area
Annexed**

ROWLETTE CIRCLE

ANNELL DRIVE

**CITY
LIMITS**



COUNCIL COMMUNICATION

Meeting Date: 05/21/2020

Item Title: Rezoning property along South Academy Street
[Public Hearing Required]

Department: Planning

Presented by: Matthew Blomeley, AICP, Assistant Planning Director

Requested Council Action:

Ordinance	<input checked="" type="checkbox"/>
Resolution	<input type="checkbox"/>
Motion	<input type="checkbox"/>
Direction	<input type="checkbox"/>
Information	<input type="checkbox"/>

Summary

Rezone approximately 1.11 acres located at the southeast corner of South Academy Street and East Sevier Street.

Staff Recommendation

Conduct a public hearing and enact the ordinance establishing the requested zoning.

The Planning Commission recommended approval of the rezoning.

Background Information

Greenhouse Ministries presented a zoning application [2019-446] for approximately 1.11 acres located at the southeast corner of South Academy Street and East Sevier Street to be rezoned from CH (Highway Commercial District) and CCO (City Core Overlay District) to PUD (Planned Unit District) and CCO. During its regular meeting on February 5, 2020, the Planning Commission conducted a public hearing on this matter and then voted to recommend its approval.

Council Priorities Served

Expand Infrastructure

This rezoning will enable the development of a facility for a local non-profit organization, expanding infrastructure and services for certain at-risk populations.

Attachments:

1. Ordinance 20-OZ-07
2. Maps of the area
3. Planning Commission staff comments from 02/05/2020 meeting
4. Planning Commission minutes from 02/05/2020 meeting
5. Greenhouse Ministries PUD pattern book
6. Other miscellaneous exhibits

**MURFREESBORO PLANNING COMMISSION
STAFF COMMENTS, PAGE 1
FEBRUARY 5, 2020
PROJECT PLANNER: AMELIA KERR**

- 5.c. Zoning application [2019-446] for approximately 1.11 acres located along South Academy Street north of East State Street to be rezoned from CH and CCO to PUD (Greenhouse Ministries PUD) and CCO, Greenhouse Ministries applicant.**

The subject property is located at 315 and 319 South Academy Street. The property is located along the east side of South Academy Street to the south of East Sevier Street and to the north of East State Street. The property is approximately 1.11 acres and is identified as Tax Map 091M, Group P, Parcels 24.00 and 25.00. The parcels are current undeveloped, within the City limits, and are zoned CH (Commercial Highway District) and CCO (City Core Overlay District). The applicant wishes to rezone the property to PUD (Planned Unit District). The proposed PUD would consist of a 26,000 square foot mixed-use building for Greenhouse Ministries. The zoning request will not remove the property from the CCO.

The development is requesting to have direct access to South Academy Street and a secondary point of access on East Sevier Street. The proposed development would include one (1) two-story building consisting of multi-family dwellings, offices, meeting areas, classrooms, a small medical office room, and flex space. The 1st floor will include all non-residential facilities and the 2nd floor will be 1-bedroom apartment units and a community laundry area. Primary exterior materials would include brick and cementitious siding. Minimum building setbacks for the development would be 5' on the front facing South Academy Street, 35' on the northern front facing East Sevier Street, 10' on the south side, and 20' on the rear. Amenities would include an outdoor seating area on the east side of the building. The pattern book has been revised to address Planning Commissions concerns about safety and security.

Adjacent Zoning and Land Uses

Surrounding properties to the north are zoned CH and were originally developed with single-family residential dwellings which have been converted to commercial uses. The two single-family structures directly to the north of East Sevier Street are vacant. West of the property directly across South Academy Street is zoned CH and is developed with an additional parking lot for the City Center development and a one-story building occupied by Greenhouse Ministries. Property to the east is the Old City Cemetery and is zoned CH. Properties to the south are all zoned

CH and consist of an undeveloped lot at the corner of South Academy Street and East State Street, a parking lot for Scales and Sons Funeral Home, and another commercially-zoned parcel developed with an existing residential dwelling unit. The proposed development would include a 6' vinyl privacy fence along the south boundary with the addition of a 10' Type A buffer along the southeast boundary adjacent to the existing single-family residential dwelling.

Future Land Use Map

The future land use map of the *Murfreesboro 2035 Comprehensive Plan*, which was adopted in July 2017, recommends that “Downtown Mixed-Use Central Business District” is the most appropriate land use character for the subject property, as shown on the map below.

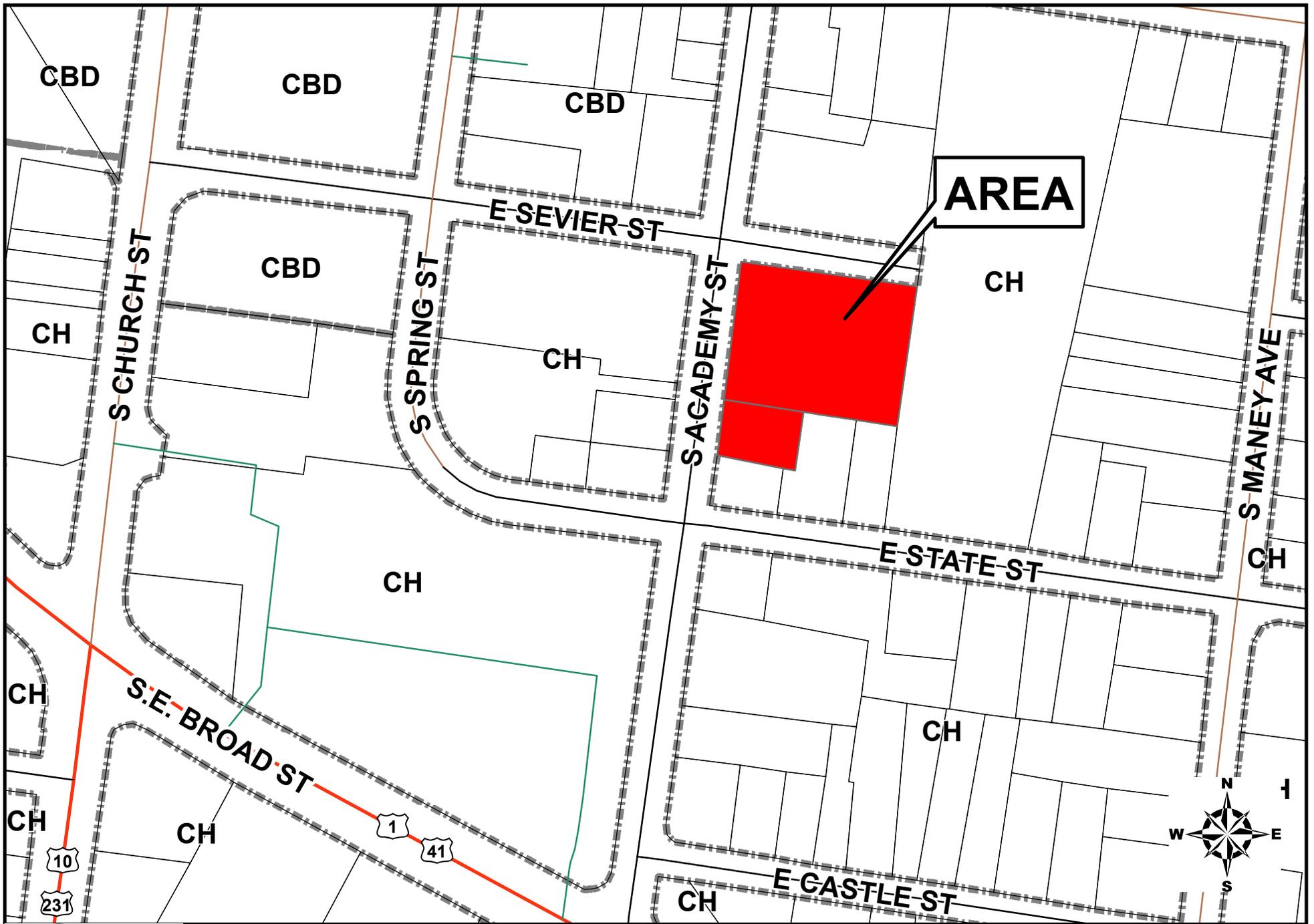


Compatible existing zoning districts are CBD (Central Business District), MU (Mixed-Use District), and PUD (Planned Unit District). Examples of development types in the Downtown Mixed-Use Central Business District land use character include “an active mix and concentration of uses and public gathering/event

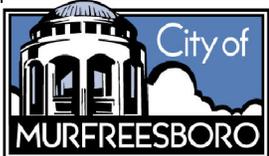
spaces in a main street setting.” Recommended allowable uses included “multi-family residential uses, entertainment, restaurants, department stores, and other retail, general and professional offices, and hotels.” This land use character is also characterized by “streets and other public spaces framed by buildings with zero/minimal front setbacks, creating architectural enclosure.” It is Staff’s opinion that the proposed zoning request is consistent with the recommendation of the future land use map.

Action Needed

A copy of the pattern book has been included in the agenda materials. The applicant will be available at the Planning Commission meeting to make a presentation regarding the proposed rezoning and to answer questions. The Planning Commission will need to conduct a public hearing, after which it will need to discuss this matter and then formulate a recommendation for City Council.



**Zoning Request for Property Along South Academy Street
CH to PUD (Greenhouse Ministries PUD)**



T E N N E S S E E



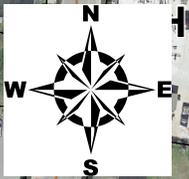
Planning Department
City of Murfreesboro
111 W. Vine St.
Murfreesboro, TN 37130
www.murfreesborotn.gov

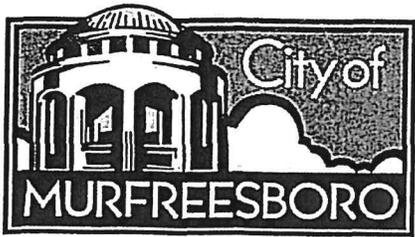




**Zoning Request for Property Along South Academy Street
CH to PUD (Greenhouse Ministries PUD)**

Planning Department
City of Murfreesboro
111 W. Vine St.
Murfreesboro, TN 37130
www.murfreesborotn.gov





T E N N E S S E E

Creating a better quality of life

City of Murfreesboro
Planning and Engineering Department
111 W. Vine Street, P.O. Box 1139
Murfreesboro, TN 37133-1139
(615) 893-6441 Fax (615) 849-2606
www.murfreesborotn.gov

Zoning & Rezoning Applications – other than rezoning to planned unit development	\$700.00
Zoning & Rezoning Applications – Planned Unit Development, initial or amended	\$950.00

Procedure for applicant:

The applicant must submit the following information to initiate a rezoning:

1. A completed rezoning application (below).
2. A plot plan, property tax map, survey, and/or a legal description of the property proposed for rezoning. (Please attach to application.)
3. A non-refundable application fee (prices listed above).

For assistance or questions, please contact a planner at 615-893-6441.

To be completed by applicant:

APPLICANT: Greenhouse Ministries, Inc.

Address: 309 South Spring Street City/State/Zip: Murfreesboro, TN 37130

Phone: 615-494-0499 E-mail address: bill.rawnsley@greenhousemin.org

PROPERTY OWNER: Greenhouse Ministries, Inc.

Street Address or property description: 315 and 319 South Academy Street, Murfreesboro, TN 37130

and/or Tax map #: 91M Group: P Parcel (s): 24.00 and 25.00

Existing zoning classification: CH with CCO Overlay

Proposed zoning classification: PUD Acreage: 1.11 Acres

Contact name & phone number for publication and notifications to the public (if different from the applicant): Rob Molchan - SEC, Inc. 615-890-7901

E-mail: rmolchan@sec-civil.com

APPLICANT'S SIGNATURE (required): _____

DATE: _____

*****For Office Use Only*****

Date received: _____ MPC YR.: _____ MPC #: 2019-446

Amount paid: \$950.00 Receipt #: 293633



GREENHOUSE MINISTRIES PUD

A REQUEST FOR REZONING TO A PLANNED UNIT DISTRICT (PUD)
 Murfreesboro, Tennessee

Initial Submittal

December 12, 2019

Resubmittal

January 3, 2020 for January 14, 2020
 Planning Commission Workshop Meeting

Resubmittal

January 24, 2020 for February 5, 2020
 Planning Commission Public Hearing

Resubmittal #3

April 24, 2020 for the May 21, 2020
 City Council Public Hearing



SEC, Inc.

Company Name: SEC, Inc.
Profession: Planning.Engineering.Landscape Architecture
Attn: Rob Molchan / Matt Taylor
Phone: (615) 890-7901
Email: rmolchan@sec-civil.com/mtaylor@sec-civil.com
Web: www.sec-civil.com

*850 Middle Tennessee Blvd.
Murfreesboro, Tennessee 37129*



Company Name: Greenhouse Ministries
Profession: Owner
Attn: Bill Rawnsley
Phone: (615) 494-0499
Email: bill.rawnsley@greenhousemin.org
Web: <https://www.greenhousemin.org/>

*309 S. Spring Street
Murfreesboro, Tennessee 37130*



Company Name: Quirk Designs
Profession: Architect
Attn: Preston Quirk
Phone: (615) 269-9248
Email: quirkdesigns@comcast.net
Web: quirkdesignstn.com

*2931 Berry Hill Drive, Suite 200
Nashville, Tennessee 37204*



Company Name: Dow Smith
Profession: Contractor
Attn: Joey Rhyne
Phone: (615) 355-1386
Email: joey.rhyne@dowsmith.com
Web: dowsmith.com

*205 Sam Hager Street,
Smyrna, Tennessee, 37167*

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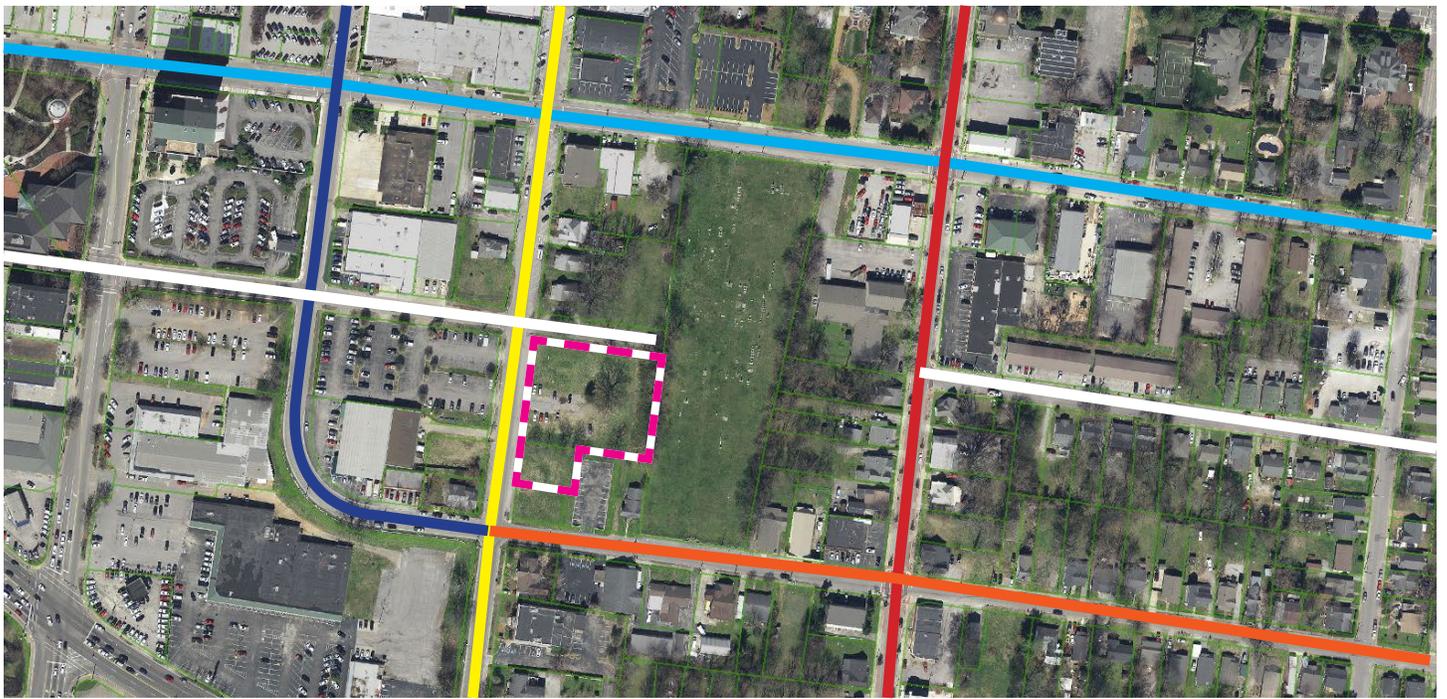
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 without the expressed written consent of Site Engineering Consultants, Inc.



AERIAL PHOTOGRAPH

Not To Scale 

- | | | | |
|--|----------------------|--|---------------------|
|  | East Vine Street |  | East State Street |
|  | South Academy Street |  | South Spring Street |
|  | South Maney Avenue |  | East Sevier Street |



Greenhouse Ministries respectfully requests rezoning of the Greenhouse Ministries properties at 315 and 319 South Academy Street from Commercial Highway to Planned Unit Development, to create the Green House Ministries PUD. The property is located at the southeast corner of the intersection of East Sevier Street and South Academy Street. The site is identified as Parcels 24 and 25 of Tax Map 91M, and is approximately 1.11 acres.

Greenhouse Ministries has been voluntarily servicing the Murfreesboro Community since 1999. Greenhouse Ministries, through local volunteers, provides relational ministries that are designed to inspire, give hope, and change lives. Their list of services range from basic needs, such as shelter, food, and clothing, to teaching clients qualifications that will help them acquire and maintain jobs within the current job market.

The request for rezoning to PUD is to create a two story mixed-use facility that will meet a variety of needs for both Greenhouse Ministries and their clients. The building will house an office for daily operations, classrooms, dining and kitchen facilities, wellness program living quarters, and counseling/consultation rooms. The Proposed Residential floor will have an on-site manager living in one of the units. Units will be 1 bedroom units on 18-24 month leases. Each lessee will be required to have employment. Each unit will have its own bathroom, kitchenette with a two burner stove, sleeping quarters, and living room area. The second floor will also have a community laundry area. The exterior of the two-story building will be constructed of all masonry products. The base of the building will be anchored with landscaping to enhance the building's character to the streetscape. An outdoor seating area on the east side of the building will provide an outdoor space for clients and employees to enjoy. The main entrance into the site will have masonry signage anchored with landscaping and illuminated with up-lighting. This addition will allow Greenhouse Ministry to expand and better serve the Murfreesboro Community.



2040 MAJOR TRANSPORTATION PLAN

Not To Scale 

- | | |
|--|---|
|  East Vine Street |  East State Street |
|  South Academy Street |  South Spring Street |
|  South Maney Avenue |  East Sevier Street |



The property will have access to the existing public rights-of-way along South Academy Street and East Sevier Street through two entrances. The project plans to enhance the overall streetscape of South Academy Street by adding parallel parking, curb and gutter, street lighting, and street trees in accordance with the Murfreesboro Downtown Streetscape Master Plan. No roads within the vicinity of the Greenhouse Ministry P.U.D. are slated for improvement as per the 2040 Major Transportation Plan.

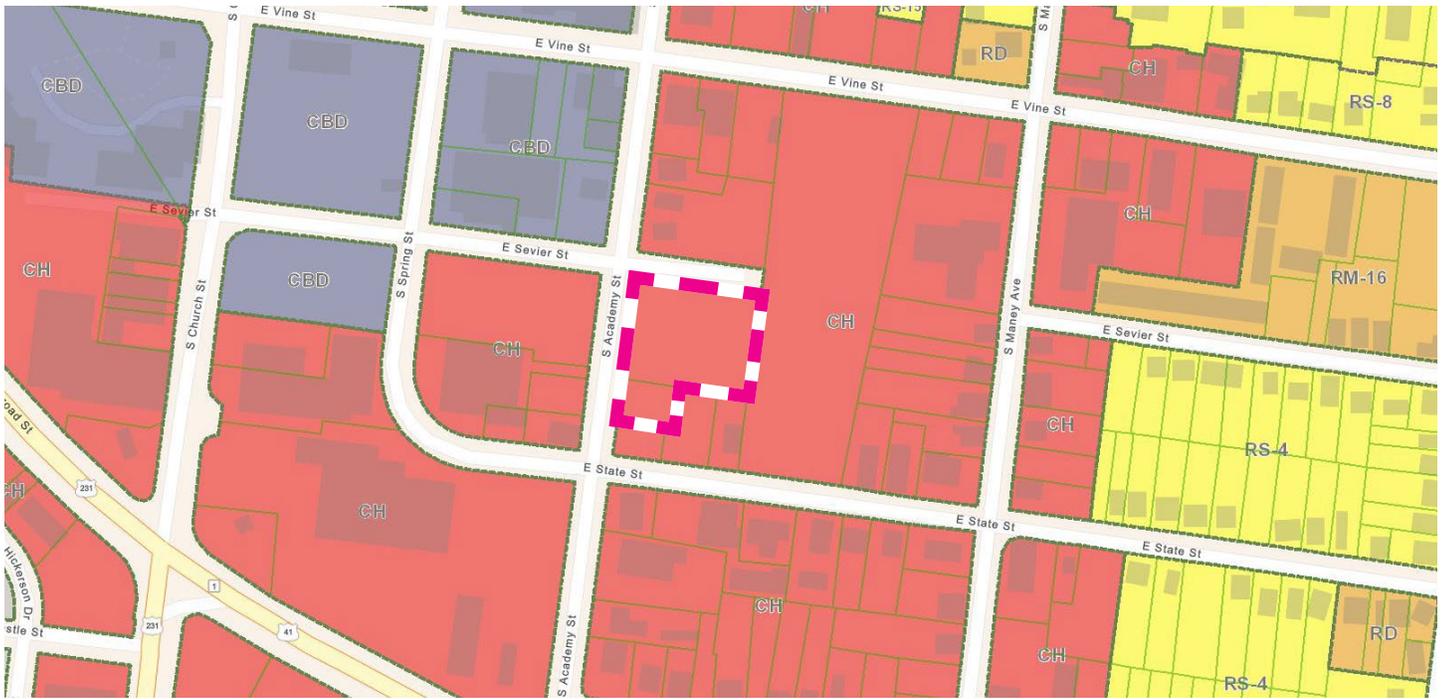


SUBDIVISION AND SURROUNDING PROPERTIES MAP

Not To Scale 

 Wilson Virginia Property	 McClain Thomas Property	 Thomas Batey Property	 Lilian House Property
 Scales and Sons Funeral Home	 Barrett Hazel Property	 City Center LTD	 Anne Batey Property
 H & R Backhoe and Plumbing	 Batey Thomas Revocable Living Trust	 Old City Cemetery	

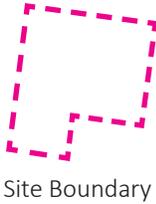
The Greenhouse Ministries PUD is surrounded by a mixture properties. North of the proposed site are single-family detached residential lots with 1-1.5 story structures that were originally residential but have been converted to small businesses or are vacant. Directly west across South Academy Street is a parking lot parcel, and a one-story building that is currently the home of Greenhouse Ministries. A vacant parcel and one-story residential structure are located across the street as well. Directly south of the property, is a parking lot for the Scales and Sons Funeral Home along with residential property. Scales and Sons Funeral Home is located on the south side of East State Street. The Old City Cemetery is located to the east of this site.



ZONING MAP AND 2035 FUTURE LAND USE PLAN

Not To Scale 

- RS-4 Residential Single-Family (RS-4)
- RS-8 Residential Single-Family (RS-8)
- RS-15 Residential Single-Family (RS-16)
- RM-16 Residential Multi-Family (RM-16)
- CH Commercial Highway (CH)
- CBD Central Business District (CBD)

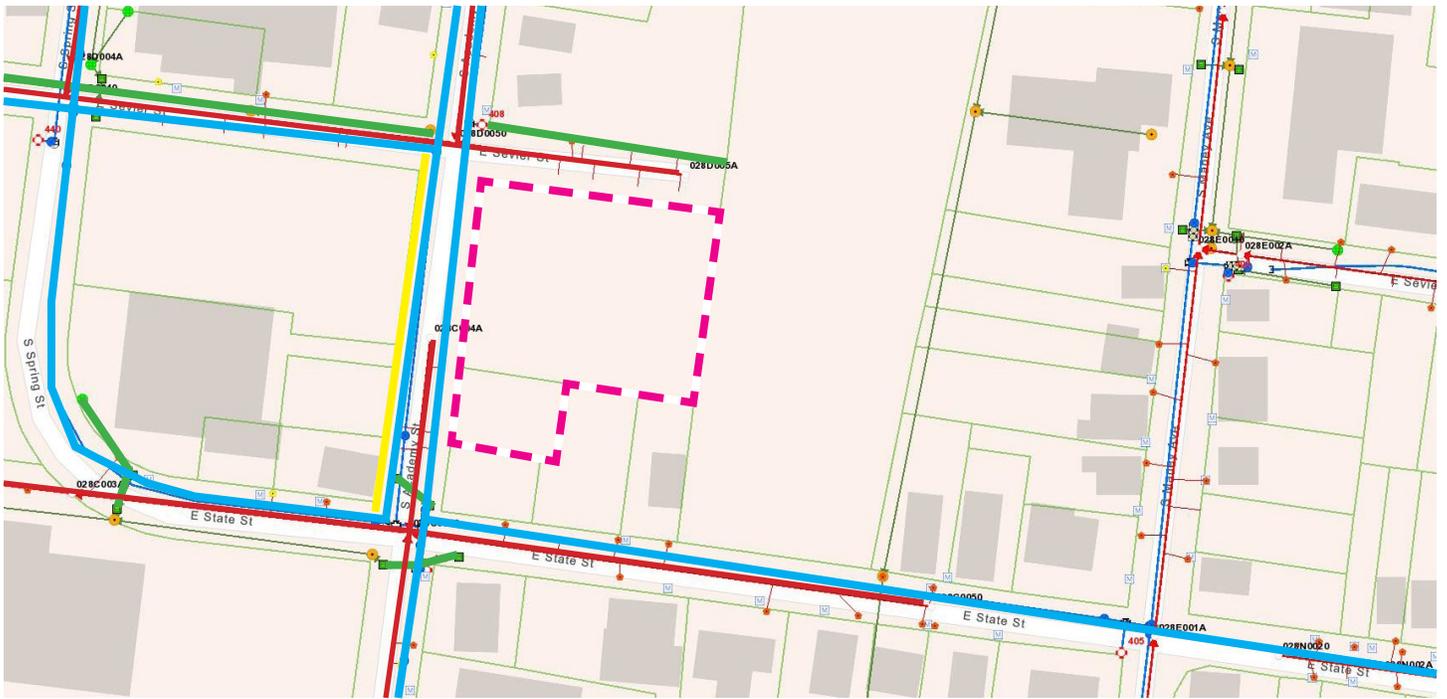


The surrounding area consists of primarily Commercial Highway (CH) zoned parcels. The block to the north-west of the site is zoned Central Business District (CBD).



2035 Future Land Use Plan

The Greenhouse Ministry PUD is within the City Core Overlay (CCO). The purpose of the CCO is to promote infill development that is compatible with existing development patterns and promoting consistency for new standards while reinvesting in the Downtown Murfreesboro area. This proposed PUD followed this purpose and will be consistent with the surrounding area while providing elevated standards by investing in the downtown area and its community. This site is also suggested to be a part of the Central Business District (CBD) by the Murfreesboro 2035 Land Use Plan. The character of suggested land use is 3-10 story buildings with little to no setbacks from the property lines, and surrounded by an expansive pedestrian realm with wide sidewalks, outdoor seating, and dining. Parking is suggested to be built as structured. The character of this site will resemble primarily the CCO standards.



UTILITY MAP

Not To Scale 

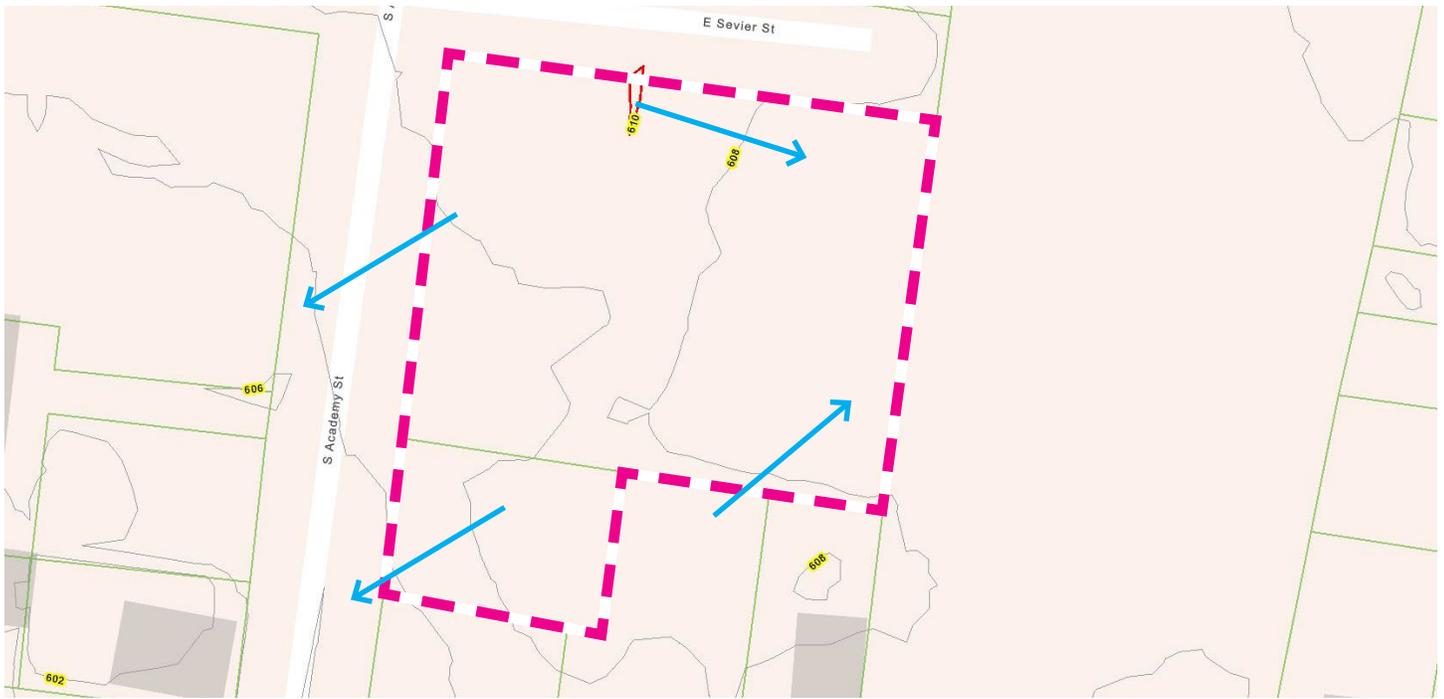


Water service will be provided by Murfreesboro Water Resource Department. There is an existing 6" and 16" ductile iron water line along South Academy Street. The developer will be responsible for extending the waterline into the site for domestic and fire water service.

Sanitary sewer service will be provided by the Murfreesboro Water Resource Department. Sanitary sewer service can connect to an existing 8 inch gravity sewer line within the R.O.W. of East Sevier Street or South Academy Street. The developer will be responsible for extending the sanitary sewer service into the site.



Electric service will be provided by the Murfreesboro Electric Department. Service will be extended from the west side of South Academy Street. The developer will be responsible for extending the electric lines into the site, and all on-site electric will be underground.



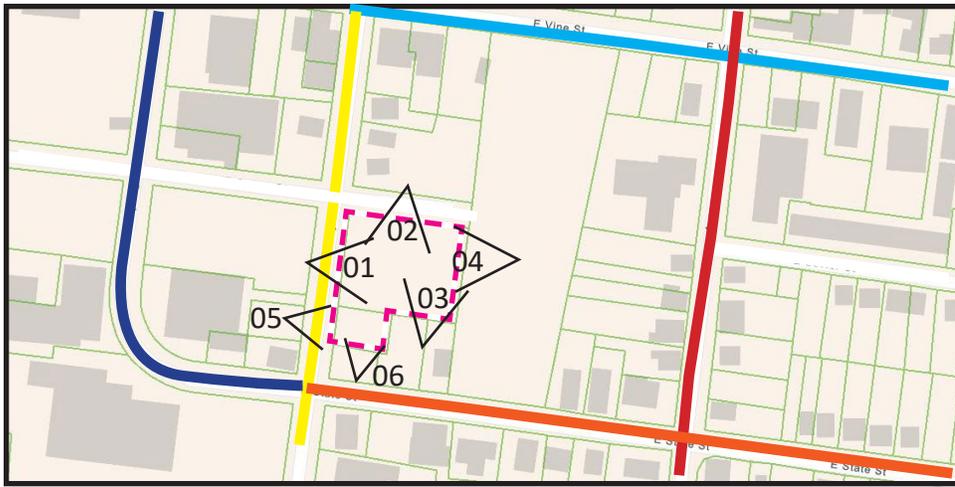
HYDROLOGY AND TOPOGRAPHY

Not To Scale 

-  WATER FLOW DIRECTION
-  INTERMEDIATE CONTOURS
-  INDEX CONTOURS



The site is relatively flat with a very small ridge in the center. Currently water primarily flows to the west and east boundaries of the site. From the east boundary water sheet flows into the Old City Cemetery, and from the west side the water flows into the curb and gutter system of South Academy Street before entering the City of Murfreesboro stormwater system. No portion of the site is within a floodplain as per FEMA Parcel: 47149C0260H eff. 1/5/2007



-  East Vine Street
-  East Sevier Street
-  South Academy Street
-  South Maney Avenue
-  South Spring Street
-  East State Street
-  Site

PHOTO DIRECTION MAP

Not To Scale 



View of Site from South Academy Street



View of Site from East Sevier Street



View of Site from east corner of Scale parking lot



View of Site from Old City Cemetery



View of Site's southern parcel from South Academy St.



View of Site's southern parcel from northern parcel

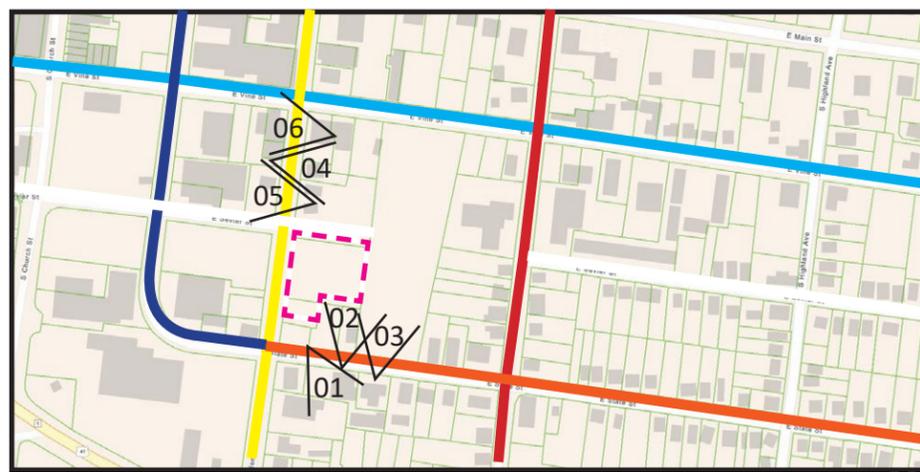


PHOTO DIRECTION MAP

Not To Scale

- East Vine Street
- East Sevier Street
- South Academy Street
- South Maney Avenue
- South Spring Street
- East State Street
- Site



View of Scale and Son's Funeral Home



View of site from East Sevier Street



View of site from east corner of Scale parking lot



View of site from Old City Cemetery



View of site's southern parcel from South Academy St.



View of site's southern parcel from northern parcel

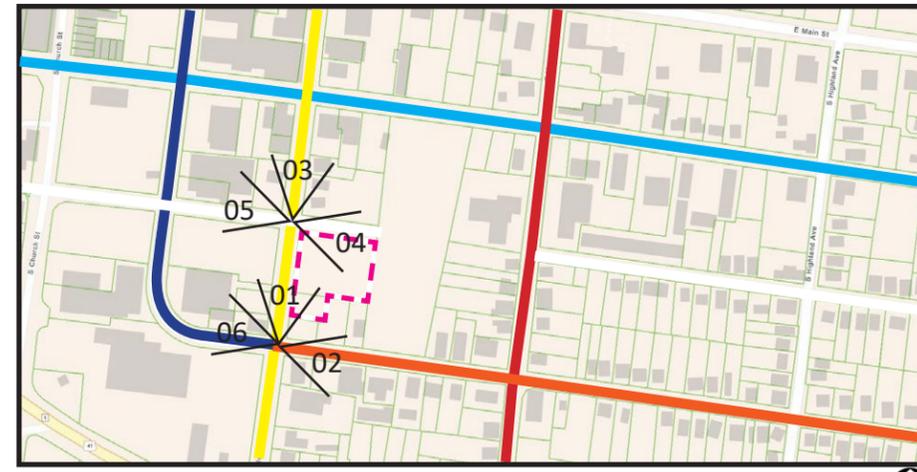


PHOTO DIRECTION MAP

Not To Scale

- East Vine Street
- East Sevier Street
- South Academy Street
- South Maney Avenue
- South Spring Street
- East State Street
- Site



View North from South Academy St. & East State St. intersection



View East from South Academy St. & East State St. intersection



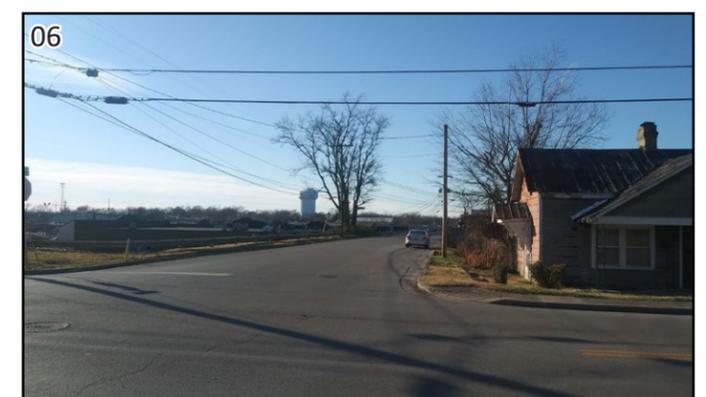
View North from South Academy St. & East Sevier St. intersection



View East from South Academy St. & East Sevier St. intersection



View West from South Academy St. & East Sevier St. intersection



View West from South Academy St. & East State St. intersection

Land Use:

Total Land Area: ±1.11 Acres
 Total Open Space: ±0.28 Acres (25.2%)

Parking Required:
 1 space / 300 sf office x 8,700 sf office = 29 Spaces
 17-1BR Units x 1 Space/Unit = 17 Spaces
 1-2BR Unit x 1 Space/Unit = 1 Spaces
 Total Parking Required = 47 Spaces

Parking Provided: 60 spaces (+3 HC Spaces)
 Total Parking Provided = 63 spaces (+16 Spaces)

- Open Space
- Drive Aisle
- Sidewalk
- Existing Trees
- Proposed Building

CPTED Security Standards:

- 180 degree “peepholes” in all doors.
- One inch deadbolts on all exterior doors.
- Three inch screws in strike plates and at least on in each door hinge.
- Adequate security lighting in working order.
- Clearly visible address/building number on each unit.
- Properly trimmed landscaping.
- Lower tree branches must be trimmed to a minimum six (6) feet from the ground.
- Bushes and plants near buildings, windows, and walkways must not exceed three (3) feet in height or impair the resident’s views outside.
- Bushes, plants, and trees within twelve (12) feet of walkways, driveways, gates, doors, receptacle areas, parking lots must be maintained in order to not impair view of pedestrians using these areas.
- Perimeter landscaping must not provide an area of concealment.
- Landscaping shall not interfere with lighting.

SEC, Inc.

SEC Project #12110 Murfreesboro, Tennessee



* The proposed location and quantity of landscape plantings, on-site lighting, streetscape lighting depicted on these conceptual site plans throughout the booklet are strictly conceptual. Final locations and quantities will meet city standards as outlined in the Zoning Ordinance and Design Guidelines upon submittal and approval of the final site, landscape and photometric plans.



Development Standards:

- The building will be a maximum of 26,000 square feet.
- The entrance off of South Academy Street will have a masonry entrance sign. The sign will be constructed of masonry materials and anchored by landscaping. An optional second sign may be placed at the South Sevier Street entrance. All signage shall be in accordance with the City of Murfreesboro’s Sign Ordinance.
- A six (6) foot high opaque PVC fence will be build along the southern boundary of the site.
- All mechanical equipment (i.e. hvac and transformers) to be screened
- All on-site utilities will be underground
- Solid waste will be handled via a dumpster, and serviced by a private hauler.
- Any solid waste enclosures will be constructed of masonry materials consistent with building architecture and be at least 8 feet tall with opaque gates and enhanced with landscaping
- Prior to construction plan review, a complete and thorough design of the stormwater management system and facilities will be completed
- Parking will comply with the City of Murfreesboro requirements
- HVAC units will be located at the rear of the building
- The project will utilize the CPTED guidelines during the site plan design and review process, with added design consideration to the lighting design for the site.
- A site lighting plan will be provided at the site plan review, and all on-site and off-site lighting shall be in accordance with the City of Murfreesboro’s Zoning Ordinance, Design Guidelines and CPTED.

Allowable Uses:

- Multi-Family Dwellings
- Offices
- Non-Profit including
 - Meeting Areas
 - Classrooms
 - Small M.O.B.
 - Flex Space
 - Dining Space



Example of Dumpster Enclosure



Example of Decorative Street Light



Example of Parking Lot Light



Example of Multiple Display Entrance Sign



Example of PVC Privacy Fence

Architectural Characteristics:

The building architecture has been designed to be functional for the intended uses, while maintaining a neighborhood commercial character to blend with surrounding residential and public/institutional developments.

Building Standards:

- Building heights shall not exceed 36 feet in height and 2 stories
- Pitched Roof Construction
- Buildings will have a well defined architectural base by use of different materials, colors or change in pattern or a combination of these techniques.
- The main entrances are to be well defined and easily recognizable by the use of; raised roof lines, canopies, glazing, changes in materials, changes in colors, and/or changes in building planes.
- Masonry materials (brick, stone, and cementitious siding) will be the primary building material.

Building Setback Standards

Minimum Building Setbacks Internal to the Site:

South Academy Street:	5-feet
East Sevier Street:	35-feet
Side:	10-feet
Rear:	20-feet

Building Elevation Materials:

Primary

- Brick or painted brick
- Cement fiber board siding

Secondary/Accent

- Integrally Colored Split Face Block (To be used as architectural base)
- Vinyl in trim and soffit areas only.
- Final building design and architectural elevation materials/colors will be reviewed at the time of a site plan submittal by Murfreesboro planning staff, and approved by the Planning Commission.

Roof

- Fiberglass shingles

Awnings

- Standing Seam Metal Roof

* Proposed building material colors will consist of an earth tone palette

Building Materials Minimums:

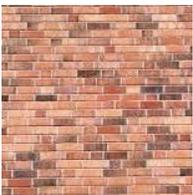
Front Elevation (Facing South Academy Street):

Rear Elevation (Facing Old City Cemetery):

Side Elevations (Facing South Sevier Street):

Side Elevations (Facing vacant lot to south):

Masonry Materials (i.e. Brick, Stone, Split-Face Block)



Example of Brick
(Different colors will be allowed)



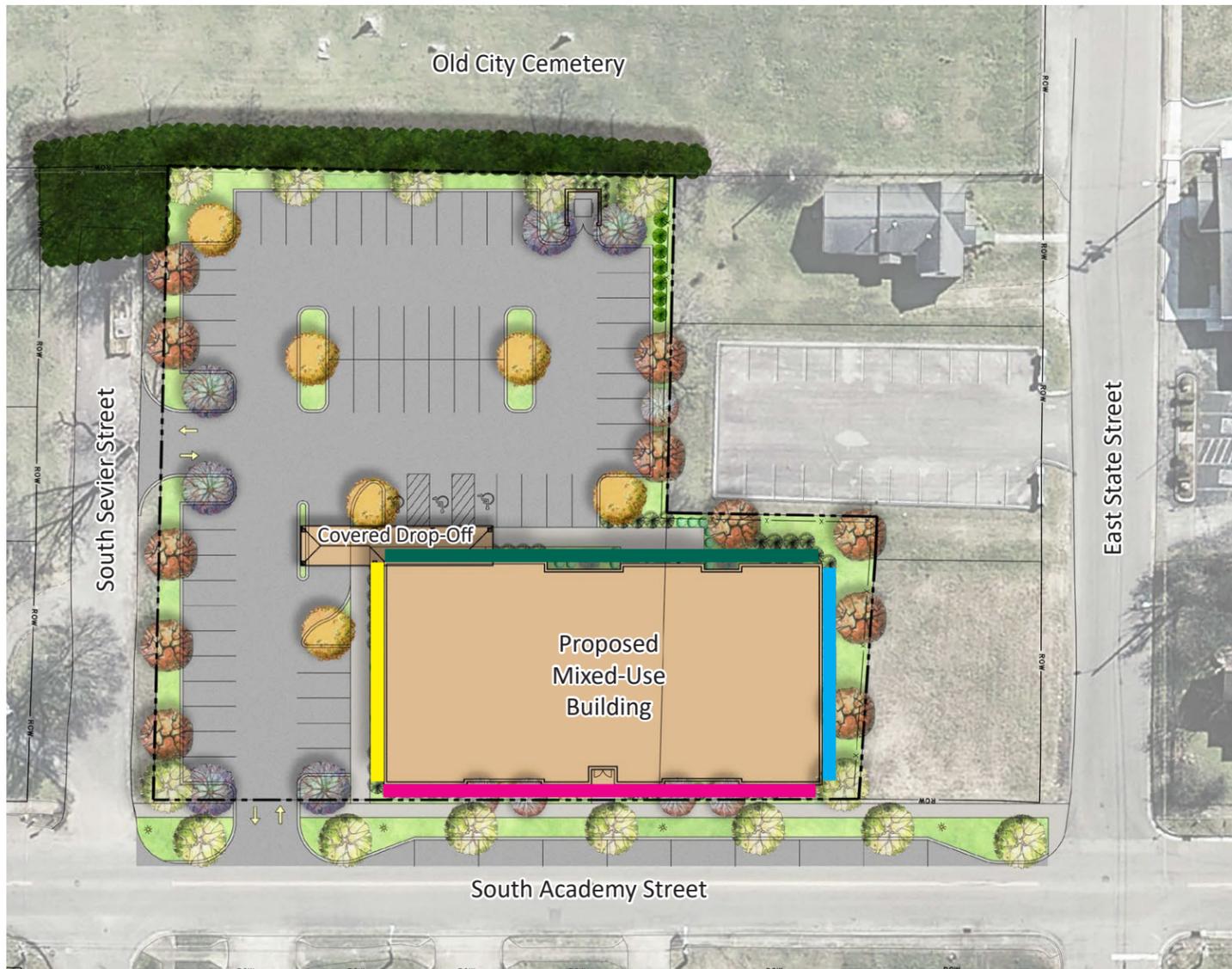
Example of Split Face Block
(Different colors will be allowed)



Example of Fiber Cement Board
(Different colors will be allowed)



Example of Standing Seam Metal Roof
(Different colors will be allowed)



Not to Scale



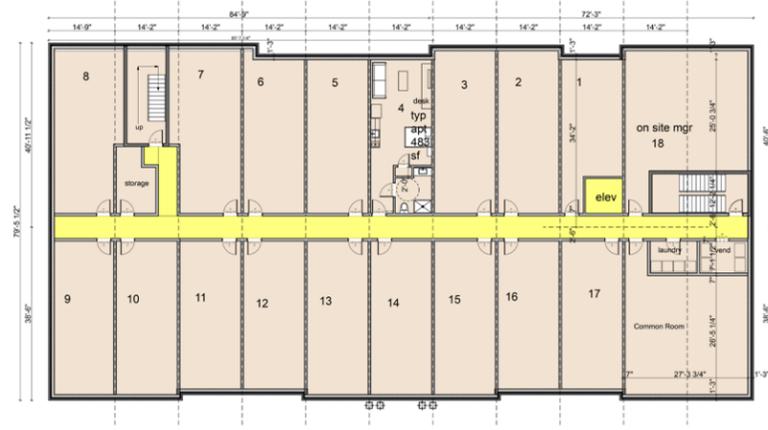
NORTHERN ELEVATION AS SEEN FROM EAST SEVIER STREET



SOUTHERN ELEVATION AS SEEN FROM EAST STATE STREET



FLOOR PLAN - FIRST FLOOR



FLOOR PLAN - SECOND FLOOR



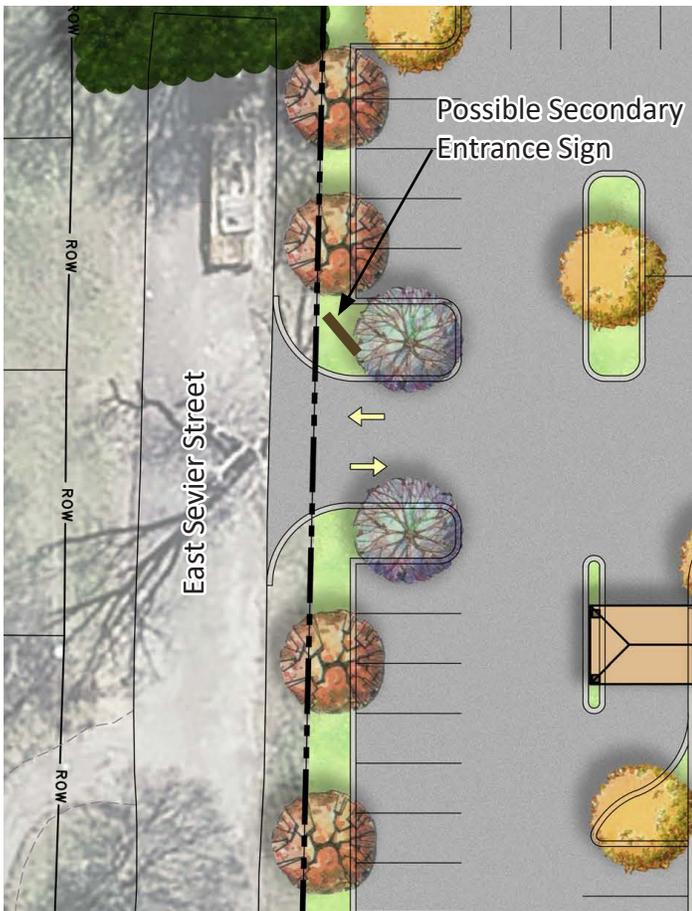
FRONT ELEVATION AS SEEN FROM SOUTH ACADEMY STREET

SCALE: 1/16" = 1'



REAR ELEVATION

SCALE: 1/16" = 1'

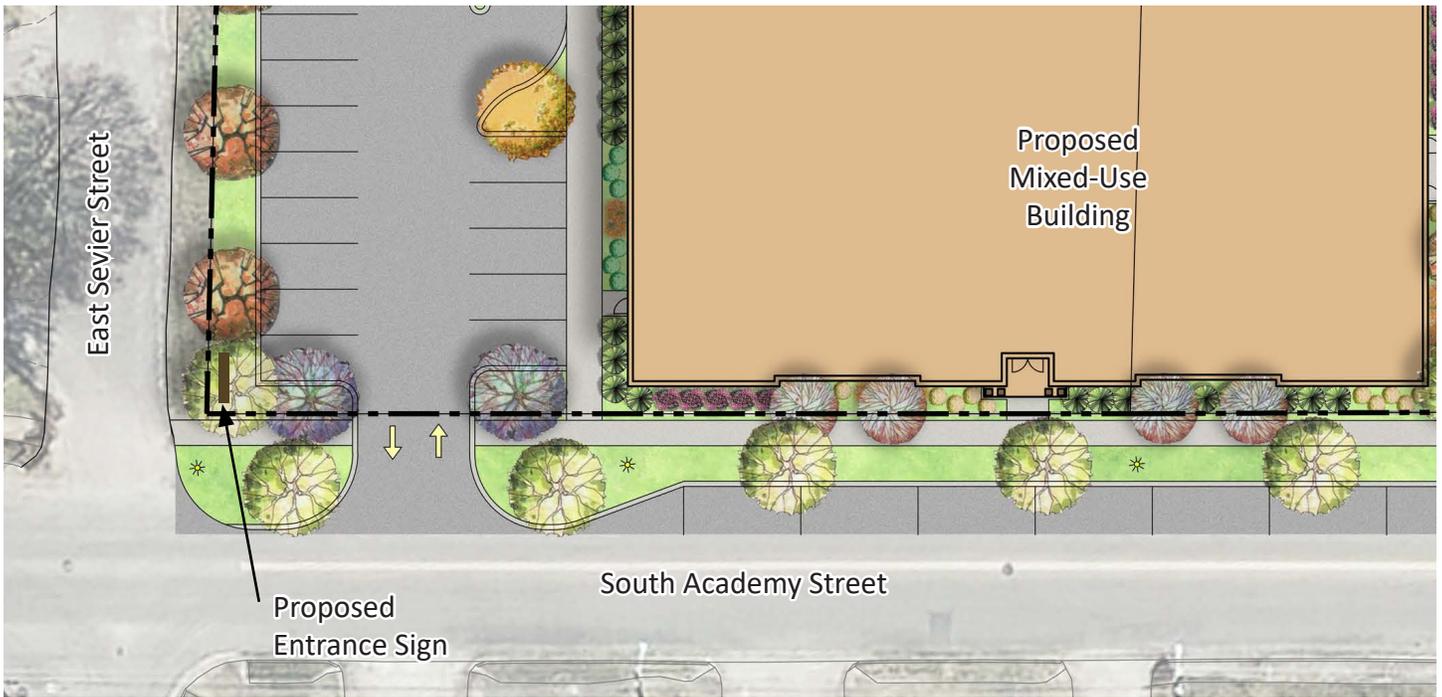


Pursuant to the City of Murfreesboro’s Major Transportation Plan (MTP), none of the roadways adjoining this development are slated for improvements. South Academy Street is a local road that will be the most affected by this development. It is built as a two lane road with a 60 ft. R.O.W.

As stated above, the primary means of ingress/egress from this site will be onto South Academy Street. The entrance is proposed to incorporate two travel lanes for circulation into and out of the development onto South Academy Street. The master plan has included a secondary means of ingress/egress from the development onto East Sevier Street. The illustration on the left shows the entrance at the northern property line of the site. This will provide a secondary mean of ingress and egress into the site. South Academy Street will have a development entrance sign anchored with landscaping and an option to add an additional sign at the South Sevier Street entrance.

All parking within the site will follow the City of Murfreesboro’s parking standards. South Academy Street will be within compliance of the Downtown Streetscape plan and shall include parking, street trees, and decorative lighting. Parallel parking will be provided on South Academy Street to help create the downtown urban feel associated with the downtown area of Murfreesboro.

Not to Scale



Not to Scale





Not to Scale



LANDSCAPE MATERIALS SAMPLES: DECIDUOUS TREES



(A)



(B)

- (A) *Ulmus parvifolia* 'Emer II' / 'Emer II' Alle Elm
- (B) *Zelkova serrata* 'Green Vase' / Sawleaf Zelkova
- (C) *Buxus* x 'Green Mountain' / Boxwood
- (D) *Prunus laurocerasus* 'Otto Luyken' / Luykens Laurel
- (E) *Lagerstroemia indica* 'GAMAD VI' / Berry Dazzle Crape Myrtle
- (F) *Miscanthus sinensis* 'Adagio' / Adagio Eulalia Grass
- (G) *Liriope spicata* 'Silver Dragon' / Creeping Lily Turf
- (H) *Setcreasea pallida* 'Purple Heart' / Purple Heart Setcreasea

- (I) *Iberis sempervirens* 'Little Gem' / Little Gem Candytuft
- (J) *Liriope muscari* 'Variegata' / Variegated Lily Turf
- (K) *Magnolia grandiflora* 'D.D. Blanchard' TM / Southern Magnolia
- (L) *Thuja standishii* x *plicata* 'Green Giant' / Green Giant Arborvitae
- (M) *Cryptomeria Japonica* 'Radicans' / Japanese Cedar
- (N) *Viburnum x pragense* / Prague Viburnum
- (O) *Prunus laurocerasus* 'Schipkaensis' / Schipka Laurel

LANDSCAPE MATERIAL SAMPLES: EVERGREEN/DECIDUOUS SHRUBS AND GRASSES



(C)



(D)



(E)



(F)

LANDSCAPE MATERIAL SAMPLES: GROUND COVER



(G)



(H)



(I)



(J)

LANDSCAPE BUFFER: EVERGREEN TREES



(K)



(L)



(M)

LANDSCAPE BUFFER: EVERGREEN TREES AND SHRUBS



(N)



(O)

The site has been designed with ample landscaping to provide not only an aesthetically pleasing experience for the residents, clients, and employees, but to aid in mitigating impacts to the surrounding areas. To ensure these characteristics, some standards are outlined below as well as a sample palette provided.

Landscaping Characteristics:

- A minimum 3 feet of landscape area between parking and all property lines.
- Landscaping shall be required at base of building unless specified otherwise in this book.
- No landscaping at base of building will be required within 5 feet of an entry/exit point of the building to open visibility provide to safety.
- No landscape will be require around base of building where outdoor seating areas or plazas are designed.
- Public rights-of-way screened from parking by use of landscaping.
- The southern boundary of the site will include a 6 Ft. tall opaque PVC fence.
- All above ground utilities and mechanical equipment screened with landscaping and/or walls.
- Solid waste enclosure screened with a masonry wall and enhanced with landscaping.
- The fronts and sides at the base of buildings will have at least 3 foot wide landscape strip.
- Landscaping will be in conformance with the City of Murfreesboro's landscaping ordinance.
- Street trees will be planted along South Academy Street where applicable, trees may be constrained due to utility and decorative streetlight requirements.
- A 10 Ft. wide Type 'A' Buffer shall be planted at the southeast corner of the property along the residential property.

1.) A map showing available utilities, easements, roadways, rail lines and public right-of-way crossing and adjacent to the subject property.

Response: An exhibit is given on Page 4-9 along with descriptions of each.

2.) A graphic rendering of the existing conditions and/or aerial photograph(s) showing the existing conditions and depicting all significant natural topographical and physical features of the subject property; location and extent of water courses, wetlands, floodways, and floodplains on or within one hundred (100) feet of the subject property; existing drainage patterns; location and extent of tree cover; and community greenways and bicycle paths and routes in proximity to the subject property.

Response: Exhibits are shown on Page 9 that shows the existing contours and drainage patterns along with an aerial photograph of the area. No portion of the property is subject to floodplains or floodways, and the site ultimately drains to Murfreesboro Spring.

3.) A plot plan, aerial photograph, or combination thereof depicting the subject and adjoining properties including the location of structures on-site and within two hundred (200) feet of the subject property and the identification of the use thereof.

Response: Exhibits and photographs on Page 4 give the location of existing structures on the subject property and the surrounding properties. An exhibit on Page 7 gives the zoning of those same properties.

4.) A drawing defining the location and area to be developed for buildings and parking; standards for pedestrian and vehicular circulation; the proposed points of ingress and egress to the development; the provision of spaces for loading; proposed screening to be made in relation to abutting land uses and zoning districts; and the extent of proposed landscaping, planting and other treatment adjacent to surrounding property

Response: Page 12-19 lists standards and exhibits showing the concept plan which shows each of these items.

5.) A circulation diagram indicating the proposed principal movement of vehicles, bicycles, goods, and pedestrians within the development to and from existing thoroughfares.

Response: Page 12 lists standards and exhibits showing the concept plan which shows each of these items.

6.) A development schedule indicating the stages in which the project will be built and when construction of the project can be expected to begin. If the planned development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating: (aa) the approximate date when construction of the project can be expected to begin; (bb) the order in which the phases of the project will be built; and, (cc) the minimum area and the approximate location of common space and public improvements that will be required at each phase.

Response: This project is anticipated to be developed and built in one phase. Construction is expected to begin 90-120 days after zoning approval.

7.) A written statement generally describing the relationship of the proposed planned development to the current policies and plans of the city and how the proposed planned development is to be designed, arranged and operated in order to permit the development and use of neighboring property in accordance with the applicable regulations of this article.

Response: The property is currently zoned CH. The surrounding area has a mixture of residential and commercial properties. The concept plan and development standards combined with the architectural requirements shown within this booklet align and closely mimic the type of developments envisioned for the surrounding neighborhoods and will progress the development in this area.

8.) A statement setting forth in detail either (1) the exceptions which are required from the zoning and subdivision regulations otherwise applicable to the property to permit the development of the proposed planned development or (2) the bulk, use, and/or other regulations under which the planned development is proposed.

SETBACKS	CH W/ CCO	PUD	DIFFERENCE
Front Setback	5.0'	5.0'	0.0'
Side Setback	0.0'	0.0'	0.0'
Rear Setback	20.0'	20.0'	0.0'
Minimum Lot Size	8,000 Sf.	8,000 Sf.	0.0 Sf.
Maximum Building Height	2-Stories	2-Stories	0.0

9.) A tabulation of the maximum floor area proposed to be constructed, the F.A.R. (Floor Area Ratio), the L.S.R. (Livability Space Ratio), and the O.S.R. (Open Space Ratio).

TOTAL SITE AREA	48,345 s.f.
TOTAL MAXIMUM FLOOR AREA	26,000 s.f.
TOTAL LOT AREA	NA s.f.
TOTAL BUILDING COVERAGE	12,500 s.f.
TOTAL DRIVE/ PARKING AREA	23,078 s.f.
TOTAL RIGHT-OF-WAY	NA s.f.
TOTAL LIVABLE SPACE	25,267 s.f.
TOTAL OPEN SPACE	9,761 s.f.
FLOOR AREA RATIO (F.A.R.)	0.54
LIVABILITY SPACE RATIO (L.S.R.)	0.26
OPEN SPACE RATIO (O.S.R.)	0.74

10.) The nature and extent of any overlay zone as described in Section 24 of this article and any special flood hazard area as described in Section 34 of this article

Response: This property is not in the Gateway Design Overlay District , Airport Overlay District (AOD), Historic District (H-1), or Planned Signage Overlay District (PS). This property is within the City Core Overlay District (CCO). No portion of this property lies within a floodplain or floodway, according to the current FEMA Map Panel 47149C0260H Eff. Date 01/05/2007.

11.) The location and proposed improvements of any street depicted on the Murfreesboro Major Transportation Plan as adopted and as it may be amended from time to time

Response: Page 12 depicts the proposed streetscape improvements to South Academy Street along with written statement on page 17 describing the streetscape improvements.

12.) The name, address, telephone number, and facsimile number of the applicant and any professional engineer, architect, or land planner retained by the applicant to assist in the preparation of the planned development plans. A primary representative shall be designated.

Response: The primary representative is Matt Taylor of SEC, Inc. developer/applicant is Greenhouse Ministries, Inc. contact info for both is provided on cover.

13.) Architectural renderings, architectural plans or photographs of proposed structures with sufficient clarity to convey the appearance of proposed structures. The plan shall include a written description of proposed exterior building materials including the siding and roof materials, porches, and decks. And an exterior lighting plan.

Response: Pages 14-15 depicts and describes the proposed architecture.

14.) The application shall include a description of proposed signage for the development including calculations of square footage and height. If a development entrance sign is proposed the application shall include a description of the proposed entrance sign improvements including a description of lighting, landscaping, and construction materials.

Response: An example of the entrance sign can be found on page 13 with a description found on page 4.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION FEBRUARY 5, 2020

MEMBERS PRESENT

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

STAFF PRESENT

Greg McKnight, Interim Planning Director
Matthew Blomeley, Asst. Planning Director
Margaret Ann Green, Principal Planner
Amelia Kerr, Planner
Carolyn Jaco, Recording Assistant
David Ives, Deputy City Attorney
Austin Cooper, Planner
Jafar Ware, Planner
Sam Huddleston, Exec. Dir. Of Dev. Services

Chair Kathy Jones called the meeting to order after determining there was a quorum.

Mr. Chase Salas made a motion to approve the minutes from the December 18, 2019 and January 8, 2020 Planning Commission meetings, seconded by Mr. Ken Halliburton. The motion carried by unanimous vote in favor.

Old Business

Annexation plan of services and annexation petition [2019-516] for approximately 190 linear feet (0.22 acres) of Annell Drive right-of-way, City of Murfreesboro applicant. Mr. Matthew Blomeley began by making known this annexation petition had been presented during the January 8, 2020 Planning Commission meeting and a public hearing had been conducted. At the ending of the public hearing the Planning Commission voted to defer the annexation and plan of services. He explained that on January 9, 2020, the Rutherford County Road Board had deferred the request for consent to annex the right-of-way. Since then, Rutherford County Road Board brought this item back up at their February 3, 2020 meeting and consented to the annexation of the right-of-way. Therefore, Staff recommends for the Planning Commission to approve and move this request forward to City Council.

MINUTES OF THE MURFREESBORO PLANNING COMMISSION FEBRUARY 5, 2020

1. Mr. Eddie Smotherman made a motion to defer the annexation plan of services and annexation petition. In addition, if the applicant comes back to request annexation again, it would require a new public hearing, seconded by Mr. Ronnie Martin. The motion carried by unanimous vote in favor.
2. Mr. Eddie Smotherman made a motion to defer the zoning application. In addition, if the applicant comes back with a rezoning application again, it would require a new public hearing, seconded by Mr. Ken Halliburton. The motion carried by unanimous vote in favor.

Zoning application [2019-446] for approximately 1.11 acres located along South Academy Street north of East State Street to be rezoned from CH and CCO to PUD (Greenhouse Ministries PUD) and CCO, Greenhouse Ministries applicant. Ms. Amelia Kerr summarized the zoning application from the staff report, which had been provided to the Planning Commission in the agenda packet. It is Staff's opinion that the zoning request is consistent with the Future Land Use Map of the Murfreesboro 2035 Comprehensive Plan.

Mr. Rob Molchan was in attendance to represent the applicant. Mr. Molchan came forward to begin a PowerPoint presentation from the applicant's pattern book.

Chair Kathy Jones opened the public hearing. No one came forward to speak for or against the zoning application; therefore, Chair Kathy Jones closed the public hearing.

Mr. Ken Halliburton made a motion to approve the zoning application subject to all staff comments, seconded by Mr. Ronnie Martin. The motion carried by unanimous vote in favor.

ORDINANCE 20-OZ-07 amending the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as heretofore amended and as now in force and effect, to rezone approximately 1.11 acres along South Academy street north of East State Street from Highway Commercial (CH) District and City Core Overlay (CCO) District to Planned Unit Development (PUD) District (Greenhouse Ministries PUD) and City Core Overlay (CCO) District; Greenhouse Ministries, applicant [2019-446].

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MURFREESBORO, TENNESSEE, AS FOLLOWS:

SECTION 1. That, the same having been heretofore recommended to the City Council by the City Planning Commission, the Zoning Ordinance and the Zoning Map of the City of Murfreesboro, Tennessee, as herein referred to, adopted and made a part of this Ordinance as heretofore amended and as now in force and effect, be and the same are hereby amended so as to rezone the territory indicated on the attached map.

SECTION 2. That, from and after the effective date hereof, the area depicted on the attached map be zoned and approved as Planned Unit Development (PUD) District and City Core Overlay (CCO) District, as indicated thereon, and shall be subject to all the terms and provisions of said Ordinance applicable to such districts, the plans and specifications filed by the applicant, and any additional conditions and stipulations referenced in the minutes of the Planning Commission and City Council relating to this zoning request. The City Planning Commission is hereby authorized and directed to make such changes in and additions to said Zoning Map as may be necessary to show thereon that said area of the City is zoned as indicated on the attached map. This zoning change shall not affect the applicability of any overlay zone to the area.

SECTION 3. That this Ordinance shall take effect fifteen (15) days after its passage upon second and final reading, the public welfare and the welfare of the City requiring it.

Passed:

1st reading _____

2nd reading _____

Shane McFarland, Mayor

ATTEST:

APPROVED AS TO FORM:

Melissa B. Wright
City Recorder

DocuSigned by:
Adam F. Tucker

43A2035E5179401...
Adam F. Tucker
City Attorney

SEAL



CBD

CH

CH

RS-8

RS-10

CBD

Ordinance 20-OZ-07

CBD

CBD

CBD

CH

RS-15

RS-15

RS-15

RD

CBD

S SPRING ST

CBD

E VINE ST

Area rezoned from CH and CCO to PUD and CCO

CBD

E SEVIER ST

CH

CH

S CHURCH ST

SE BROAD ST

S MANEY AVE

CH

S ACADEMY ST

E STATE ST

CH

231

E CASTLE ST

CH

CH

41

1

CH

RS-4

CH



COUNCIL COMMUNICATION

Meeting Date: 05/21/2020

Item Title: Planning Commission Recommendations
Department: Planning
Presented by: Matthew Blomeley, AICP, Assistant Planning Director

Requested Council Action:

Ordinance	<input type="checkbox"/>
Resolution	<input checked="" type="checkbox"/>
Motion	<input type="checkbox"/>
Direction	<input type="checkbox"/>
Information	<input type="checkbox"/>

Summary

Scheduling a matter previously heard by the Planning Commission for a public hearing before Council.

Staff Recommendation

Schedule a public hearing for the item below on June 18, 2020.

Background Information

During its regular meeting on May 6, 2020, the Planning Commission conducted a public hearing on the item listed below. After the public hearing, the Planning Commission discussed the matter and then voted to recommend its approval.

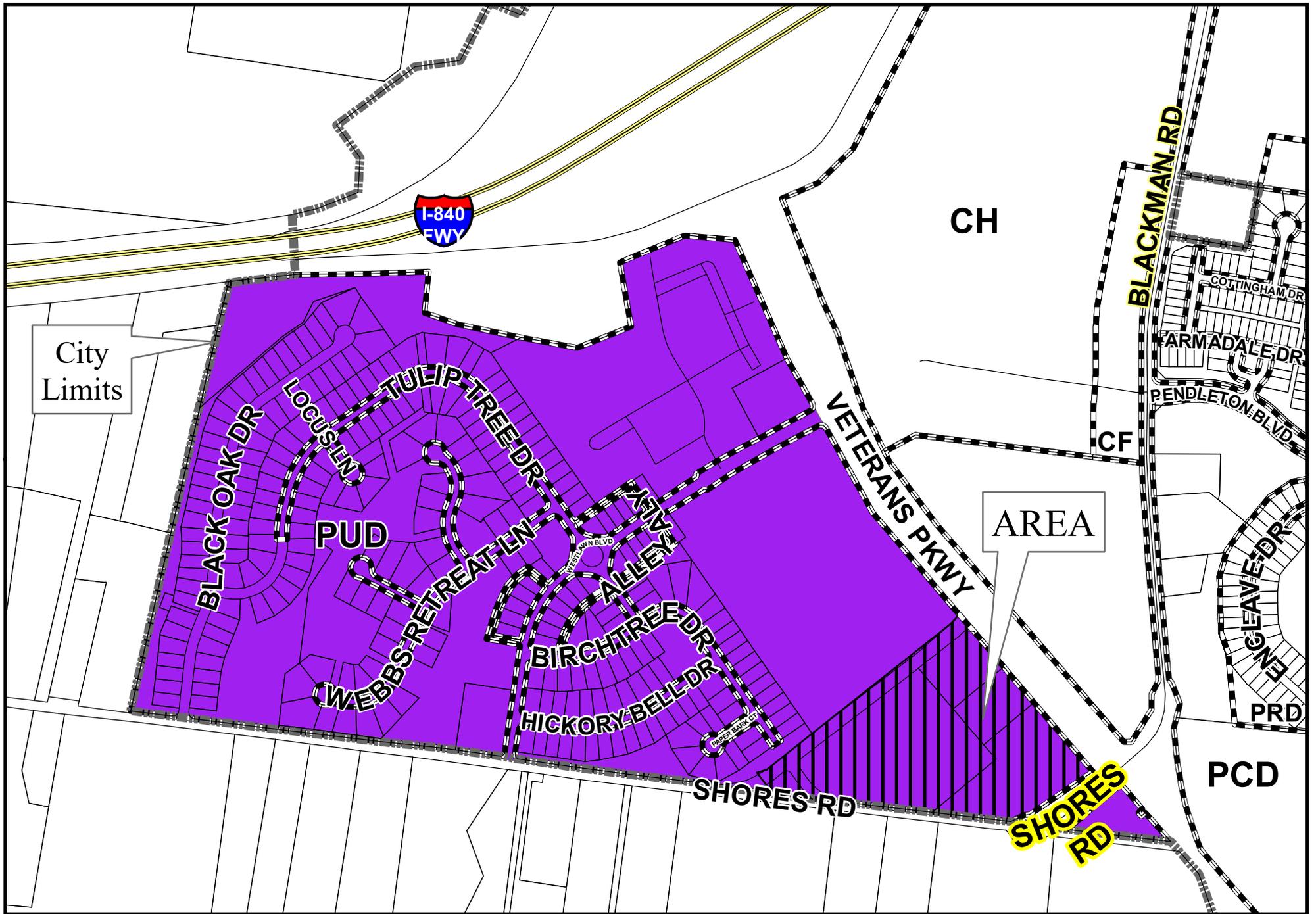
- a. Zoning application [2020-404] to amend the Westlawn PUD to allow "hospital" as a permitted use within the area identified as C-4 in the pattern book on approximately 10.5 acres located along Veterans Parkway, Saint Thomas Rutherford applicant.

Fiscal Impact

The only fiscal impact is the cost of advertising in the newspaper (exact cost unknown at this time).

Attachments:

1. Map for zoning application for approximately 10.5 acres located along Veterans Parkway



**PUD Amendment Along Shores Road
Westlawn PUD**



COUNCIL COMMUNICATION

Meeting Date: 05/21/2020

Item Title: Rutherford County Library System Board of Directors

Department: Administration

Presented by: Mayor

Requested Council Action:

- Ordinance
 - Resolution
 - Motion
 - Direction
 - Information
-

Summary

Appointment to the Rutherford County Library System Board of Directors

Background Information

The Rutherford County Library Board of Directors has members from Murfreesboro, Rutherford County, Smyrna, and Eagleville. The Board of Directors consists of eleven members.

There is one reappointment and for approval from Murfreesboro.

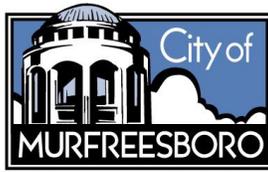
Council Priorities Served

Establish strong City brand

Residents volunteer for service on the City several boards and commissions and are instrumental in the operations of several City departments.

Attachments:

Memo from Mayor McFarland



... creating a better quality of life.

June 21, 2020

Members of City Council

RE: Stones River Regional Library Board

As an item for the Council agenda, I am recommending the reappointment of Jimmy L. Tyson. This request is supported by the Rutherford County Library System Board of Directors.

Sincerely,

A handwritten signature in blue ink that reads "Shane McFarland". The signature is written in a cursive style.

Mayor Shane McFarland

Administration Department

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