

**CITY OF MURFREESBORO
BOARD OF ZONING APPEALS**

Regular Meeting, June 24, 2020, at 1:00 p.m.
City Hall, 111 West Vine Street, Council Chambers, 1st Floor

A G E N D A

1. Call to order
2. Determination of a quorum
3. Consideration of minutes for the regular meeting on May 27, 2020
4. New Business

Special Use Permit Amendment/ Special Use Permit Request

a. Application Z-20-027 by Mr. Matt Taylor of SEC, Inc., for Providence Christian Academy, is making the following requests for property located in a Residential Single-Family (RS-15) zone at 410 Dejarnette Lane:

- To amend a special use permit that was approved by the Board of Zoning Appeals in March 2019 for the expansion of an existing institutional group assembly use (a private school). The March 2019 special use permit allowed for the temporary placement of two portable classroom buildings. Approval was conditioned upon the portable classroom buildings being removed no later than September 27, 2020. The applicant seeks to amend the March 2019 special use permit approval to allow these two portable classroom buildings to remain on-site until June 30, 2021.
- A special use permit for the expansion of an existing institutional group assembly use (a private school). The special use permit request consists of the placement of an additional portable classroom building to be removed no later than June 30, 2021.

(Project Planner: Austin Cooper)

5. Staff Reports and Other Business
6. Adjourn

Regular Meeting Minutes of the Murfreesboro Board of Zoning Appeals

May 27, 2020 – 1:00 P.M.
Council Chambers

MEMBERS VIDEO PRESENT

Davis Young, Chair
Ken Halliburton, Vice-Chair
Tim Tipps

Julie King (present by phone in accordance with Executive Orders No. 16 issued by Governor Bill Lee on March 20, 2020, as subsequently amended on May 6, 2020, by Executive Order No. 34)

MEMBERS ABSENT

Misty Foy

STAFF PRESENT

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

Chairman Young called the meeting to order at 1:05 P.M.

Chairman Young determined there was a quorum.

The minutes from the April 22, 2020 regular meeting were approved as submitted.

New Business

Variance Request

Application Z-20-023 by Mr. Clyde Rountree of Huddleston-Steele Engineering, Inc., for Believers Tabernacle, Inc., is requesting a variance from Section 9(D)(2)(zz)[1] of the City of Murfreesboro Zoning Ordinance, which states that parking areas for institutional group assembly uses shall not be located in the required front yard. This variance request pertains to a proposed parking lot at an existing institutional group assembly use (a church) in a Residential Single-Family (RS-15) zone on property located at 700 County Farm Road and on the adjacent parcel to the west identified as Tax Map 136E, Group A, Parcel 00400.

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

- 1) A revised site plan with the updated parking lot design must be submitted for administrative review and approval.

Mr. Clyde Rountree, Mr. Bill Huddleston, and Pastor Joseph Hamid were present to answer any questions.

Mr. Clyde Rountree with Huddleston-Steele Engineering said that the most optimum place for the parking lot is where they are requesting to put it because the area is open and fairly level. Mr. Rountree said as you progress back toward the end of the lot, it changes significantly. He informed the Board that the new sanctuary expansion area of the church, basically the front of the church, is also in the front setback. He said the parking lot is in relationship to the front of the building. Mr. Rountree asked for the Board's approval of this BZA request.

Pastor Joseph Hamid referred the Board Members to the opposite side of the building stating a parking lot was there and grandfathered in in the front setback when they purchased the property in 2009. He asked if it would be possible to move the new parking lot to be within the front setback as well to keep everything clear and visible for members coming into the church. Pastor Hamid then asked if it would be possible to reduce the required Type-B buffer along the west property line to a Type-A buffer. He said they like to leave the church visible in the community for all coming to attend the church and for special events. He said the dense Type B buffer will prohibit visibility. Pastor Hamid said the church is currently negotiating to purchase three lots on the west side of the property where this buffer would be installed. He asked to appeal to the Board to consider the Type-A buffer for this location. He said they have not signed any contracts with the properties as they are still in the negotiating stage.

Chairman Young verified with Pastor Hamid that the church is looking to purchase the property to the west of the church.

Pastor Hamid said yes.

Chairman Young asked if that property is currently vacant.

Pastor Hamid said yes adding there are 15 acres on the west side of the church property and the church is looking to purchase approximately half of that which will include about four lots west of the church property.

Chairman Young asked if the vacant property is located along County Farm Road.

Pastor Hamid said yes.

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Mr. Blomeley made the Board aware that Pastor Hamid and he talked about this at length and he told Pastor Hamid that the Board can't grant a variance to the buffering requirement as that is a Special Use Permit condition. He said in order to modify the conditions of the Special Use Permit, Pastor Hamid would need to make application for a Special Use Permit amendment. Mr. Blomeley said what is at issue today is only the parking variance to allow parking in the required front yard, not the type of buffer required along the property line. Mr. Blomeley mentioned to Pastor Hamid over the phone a week or so ago was if the church does purchase the property next door, then perhaps we can look at shifting that buffer to their new property line. Mr. Blomeley told Pastor Hamid with the Board just approving the Special Use Permit with the Type B buffer that until some of the circumstances change there will be little reason to amend that condition of approval. Mr. Blomeley said that could potentially be a Special Use Permit Amendment request if and when they purchase the property to the west. Mr. Blomeley said he doesn't want the item on today's agenda to become about something that it is not about because we have not advertised a request for an amendment to a special use permit to modify that buffer. He thinks it would not be appropriate to opine on that until such time as they make a formal application to do that.

Mr. Ives said he concurred with Mr. Blomeley stating it was not advertised so we need to just look at the parking lot variance today.

Mr. Bill Huddleston of Huddleston-Steele Engineering stated that he wrote a letter in support of today's variance request. Mr. Huddleston pointed out two things that are unique to this case. First, the building on this property is 163 years old which predates the Civil War. It is a historical building. Second, it is located on probably the steepest hill in Murfreesboro, Tiger Hill. Mr. Huddleston said those two things combined make this a unique case and feels it is good evidence to ask for this variance. In addition, there are some mature trees right behind where they have this parking lot designed. He said if they have to pull the parking spaces out of the front setback, it pushes the parking lot back into those trees and they would have to build a retaining wall on the property.

Chairman Young opened the public hearing. There being no one to speak for or against the application, Chairman Young closed the public hearing.

Mr. Blomeley mentioned the parking lot is approximately 23-feet from the front property line. He made known this variance request is not for a specific amount. Mr. Blomeley said this will be a variance to the standard that parking is prohibited in the required front yard. He said they would be bound to construct the parking lot generally as it has been shown in the concept plan before you.

Vice-Chairman Halliburton said even though they are asking for a variance into the front setback, it looks like, according to the site plan, the parking lot is pretty much in line with the front of the existing church building. He did not think the appearance of it is

going to cause an issue. He said Mr. Huddleston's points with respects to topography meets the practical difficulties as part of the variance motion as well as physical features with respect to the trees and the rock they saw in the pictures as part of the submittal. The variance won't impair adequate supply of light or air to adjacent property. The variance will not unreasonably increase the congestion in the public streets and not increase the danger of fire. It would not endanger the public health and safety, comfort or morals, or welfare of City residents. In addition, Vice-Chairman Halliburton made it known the Board is not discussing the buffer issue at this time.

Vice-Chairman Halliburton made a motion to approve the variance request with the following condition:

- 1) A revised site plan with the updated parking lot design must be submitted for administrative review and approval.**

The motion was seconded by Ms. King. Upon roll call, the motion was passed by the following vote:

**Aye: Ken Halliburton
Julie King
Tim Tipps
Davis Young**

Nay: None

Special Use Permit Requests

Application Z-20-015 by Mr. Joey Rouse, for TNT Fireworks East is requesting a special use permit in order to operate a temporary outdoor vending establishment (seasonal fireworks retailer) in a Commercial Highway (CH) zone for property located at 2050 Lascassas Pike.

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

- 1) The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.
- 2) The applicant shall keep and maintain a fire extinguisher on-site at all times.
- 3) The applicant shall keep the city's fireworks ordinance posted on-site at all times.
- 4) Fireworks shall not be set off on-site.
- 5) The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.

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- 6) The fireworks tent shall meet all minimum building setback requirements for the CH zoning district and temporary firework vending standards. In addition, a tent permit must be purchased from the Building and Codes Department.

Mr. Joey Rouse was present to answer any questions.

Mr. Rouse with TNT Fireworks expressed appreciation to the Board. He said TNT Fireworks is expanding their Kroger set-ups for firework sales.

Chairman Young opened the public hearing. There being no one to speak for or against the request, Chairman Young closed the public hearing.

Vice-Chairman Halliburton asked if this site is in lieu of the one across Lascassas Pike or has there been an application made for that one as well.

Mr. Cooper said there is already an application submitted for the site across Lascassas Pike.

Mr. Blomeley reminder the Board Members that two or three years ago the ordinance was amended so that repeat locations can be approved administratively after the first year. Mr. Blomeley said what the Board Members are not seeing is the large amount of work that Mr. Cooper, Ms. Rush, and Ms. Davis are doing with all the other tents that are repeat tents coming through, like the one across the street. He said there are probably 12-13 additional tents besides this one today.

Chairman Young verified that this volume is consistent what we are seeing each year.

Mr. Cooper and Mr. Blomeley said yes.

Vice-Chairman Halliburton said he frequents this parcel of land and thinks this is a very good placement of where the tent will be with respect to the way the traffic would work and the fact you don't usually see a lot of people parking that far out in that particular driveway aisle.

Vice-Chairman Halliburton made a motion to approve the request with the following conditions:

- 1) The applicant shall provide certification that the tent is flame-resistant or treated to be flame-resistant.**
- 2) The applicant shall keep and maintain a fire extinguisher on-site at all times.**
- 3) The applicant shall keep the city's fireworks ordinance posted on-site at all times.**
- 4) Fireworks shall not be set off on-site.**

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- 5) **The applicant shall apply for and pass an electrical safety inspection prior to opening for business. An electrical permit shall be purchased from the Building and Codes Department in order to obtain this inspection.**
- 6) **The fireworks tent shall meet all minimum building setback requirements for the CH zoning district and temporary firework vending standards. In addition, a tent permit must be purchased from the Building and Codes Department.**

The motion was seconded by Mr. Tipps. Upon roll call, the motion was passed by the following vote:

**Aye: Ken Halliburton
Julie King
Tim Tipps
Davis Young**

Nay: None

Application Z-20-022 by Mr. Robert McClain is requesting a special use permit in order to operate a temporary outdoor vending establishment (produce sales) in a Commercial Highway (CH) zone for property located at 1807 Memorial Boulevard.

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

- 1) The tent shall be weighted above-ground and no stakes or other appurtenances penetrating the surface of the parking lot shall be used to anchor the tent.
- 2) A tent permit must be obtained from the Building and Codes Department prior to the tent being erected.
- 3) A more detailed site plan, drawn to scale and showing the exact location of the tent, shall be submitted for review and approval of the Planning and Transportation Departments prior to the issuance of the tent permit.
- 4) Additional traffic control measures may be required by the Transportation Department prior to beginning operation.

Mr. McClain was present to answer any questions.

Vice-Chairman Halliburton asked Mr. McClain if the tent would be taken down each night.

Mr. McClain said yes.

Vice-Chairman Halliburton asked Mr. McClain if everything would leave the site each night.

Mr. McClain said yes.

Chairman Young opened the public hearing. There being no one to speak for or against the request, Chairman Young closed the public hearing.

Mr. Tipps made a motion to approve the request with the following conditions:

- 1) The tent shall be weighted above-ground and no stakes or other appurtenances penetrating the surface of the parking lot shall be used to anchor the tent.**
- 2) A tent permit must be obtained from the Building and Codes Department prior to the tent being erected.**
- 3) A more detailed site plan, drawn to scale and showing the exact location of the tent, shall be submitted for review and approval of the Planning and Transportation Departments prior to the issuance of the tent permit.**
- 4) Additional traffic control measures may be required by the Transportation Department prior to beginning operation.**

The motion was seconded by Ms. King. Upon roll call, the motion was passed by the following vote:

**Aye: Ken Halliburton
Julie King
Tim Tipps
Davis Young**

Nay: None

Staff Reports and Other Business

Mr. Blomeley distributed a Zoning Ordinance amendment to the BZA members. He said a few weeks ago the City Council passed on 2nd and final reading an ordinance amendment that Mr. Ives recommended to “touch-up” Section 10 of the Zoning Ordinance pertaining to variances. Mr. Ives will briefly go over the reasons for the changes. Mr. Blomeley said at a later date we will give the Board more information. He said our variance applicant today got their application in before this went into effect. Mr. Blomeley said today we were still applying the old Section 10 to that request. He said that, beginning next month, if we receive any variances, we will apply the new Section 10. Mr. Blomeley also mentioned that this ordinance amendment does contain the change regarding the height of lighting fixtures at recreational fields discussed at the November BZA meeting.

Mr. Ives said the purpose of the amendment was to make Section 10 more understandable for Staff, BZA Members, and applicants requesting a variance. He said

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he attempted to make Section 10 more straightforward without substantially changing anything. Mr. Ives said if anyone wants to give him a call, he will be happy to talk about this or we might schedule a lunch and training session to discuss a little further.

Mr. Blomeley said he wanted to provide this to the Board Members as reference as we move forward with future variance requests.

The meeting adjourned at 1:37 P.M.

CHAIRMAN

SECRETARY

MURFREESBORO BOARD OF ZONING APPEALS

STAFF REPORT

JUNE 24, 2020

PROJECT PLANNER: AUSTIN COOPER

Application: Z-20-027

Location: 410 DeJarnette Lane

Applicant: Providence Christian Academy, represented by Matt Taylor of SEC, Inc.

Zoning: RS-15 (Residential Single-Family 15)

Requests:

- To amend a special use permit that was approved by the Board of Zoning Appeals in March 2019 for the expansion of an existing institutional group assembly use (a private school). The March 2019 special use permit allowed for the temporary placement of two portable classroom buildings. Approval was conditioned upon the portable classroom buildings being removed no later than September 27, 2020. The applicant seeks to amend the March 2019 special use permit approval to allow these two portable classroom buildings to remain on-site until June 30, 2021.
- A special use permit for the expansion of an existing institutional group assembly use (a private school). The special use permit request consists of the placement of an additional portable classroom building to be removed no later than June 30, 2021.



Overview of Request

Providence Christian Academy (PCA), represented by Mr. Matt Taylor of SEC, Inc., is requesting an amendment to the school's existing special use permit which was granted in March of 2019. It allowed for two portable classroom buildings to be placed in the school parking lot during construction of the permanent building addition. Approval of that special use permit was conditioned upon the portable classroom buildings being removed by September 27, 2020. The school, which is located at 410 DeJarnette Lane, is requesting an amendment to that special use permit in order to allow the two portable classroom buildings to be located on-site until June 30, 2021. PCA is also requesting a special use permit for an additional portable classroom building to be placed adjacent to the two other portables and to remain on-site until June 30, 2021. The subject property is surrounded on all sides by single-family residential zoning and uses. The Board approved the special use permit for the permanent building expansion on September 26, 2018 (Z-2018-047) allowing for an addition of 59,820 square-feet, for a school gymnasium and classrooms. The lot is 18.02 acres and has sufficient on-site parking to meet minimum parking requirements even with the proposed portable buildings occupying parking spaces.

Relevant Zoning Ordinance Section

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

The applicable standards are listed below with information from Staff on how the applicant intends to address them. After reviewing the criteria for the special use requirements for institutional group assembly uses, this project appears to meet the criteria.

Standards of General Applicability with Staff Analysis:

- (1) The proposed building or use will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare:**

The portable classroom buildings are internal to the site and should have minimal impact on the surrounding area. In addition, they are for a temporary use during construction and will be removed upon completion of construction.

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

The portable classroom buildings are internal to the site and should have minimal impact on the surrounding area. In addition, they are for a temporary use during construction and will be removed upon completion of construction. In addition, the Planning Department has not had any complaints regarding the operation of the two existing portable classrooms.

- (3) The proposed buildings or use will be served adequately by essential public facilities and services such as highways, streets, parking spaces, drainage structures, refuse disposal, fire protection, water and sewers; or that the persons or agencies responsible for the establishment of the proposed use will provide adequately for such services:**

The subject property currently exceeds minimum parking requirements and is adequately served by all public utilities.

(4) The proposed building or use will not result in the destruction, loss, or damage of any feature determined by the BZA to be significant natural, scenic, or historic importance:

Staff is not aware of any such features on-site that will be impacted by this use.

(5) The proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use:

Additional standards for institutional group assembly uses are listed below.

Additional Standards for Institutional Group Assembly Uses with Staff Analysis:

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

The current site is compliant with all parking standards. No new parking areas or passenger loading & unloading zones are proposed with the temporary portables.

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

The minimum lot size of the RS-15 zone requires a minimum of 15,000 ft² lots thus the minimum size is 45,000 ft² or 1.033 acres. The proposed site is approximately 18 acres in size which is 17.4 times larger than the required minimum.

3.) On-site lighting for parking areas, fields for athletics, scoreboards, and grounds shall be arranged in such a manner as to minimize intrusion of lighting into areas zoned or used for residential or medical purposes. To this end, a plan depicting the proposed location of on-site exterior lighting fixtures shall be submitted for review by staff and the BZA. Such plan shall depict the arrangement of the lighting fixtures, their height, their specifications, and the direction in which lighting will be oriented. Additional information may be required by the staff or the BZA in order to verify whether the lighting will be intrusive into areas zoned or used for residential or medical purposes;

The only lighting proposed will be attached to the portable buildings if required by code.

4.) Applications for an institutional group assembly use shall indicate the proposed locations of garbage dumpsters or receptacles. These shall be located in such a manner as to minimize adverse effects upon neighboring properties and aesthetics from the public right-of-way. The use of dumpsters may be prohibited in the event

the BZA determines that such would have a detrimental effect upon the adjacent property;

Solid waste disposal will be handled via an existing Dumpster located south of the existing building.

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

No new recreational areas are proposed with this particular application.

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

The total number of parking spaces required for the existing school is 112. There will still be 137 spaces available on-site while the portable buildings are present, which exceeds the ordinance requirements by 25 spaces.

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

No change in school activities will be associated with the use of the temporary portable buildings.

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

No such uses are being requested at this time.

- 9.) The BZA shall have the authority to grant variances to the standards imposed by this subsection for temporary or short term uses of property for the institutional group assembly use purposes. In such cases, the BZA may impose conditions of approval to**

assure the compatibility of the short-term land use with other property in the vicinity of the proposed use;

No temporary or short term uses other than the use of the temporary portable buildings are proposed at this time; therefore, the applicant is not requesting any variances associated with any such uses.

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

The applicant does not intend to have a speaker attached to the building.

Recommended Conditions of Approval:

- 1) All 3 portables must be removed by June 30, 2021 or upon the issuance of a Certificate of Occupancy for the permanent building, whichever comes first.
- 2) A site plan must be submitted for review and approved prior to the issuance of a building permit.
- 3) Traffic control measures, as determined during the site plan review process, may be required if needed to eliminate internal traffic conflicts due to the placement of the portable buildings.

Attached Exhibits

- A. Site photos and aerial photo
- B. Letter of explanation from applicant
- C. Application
- D. Site Plan

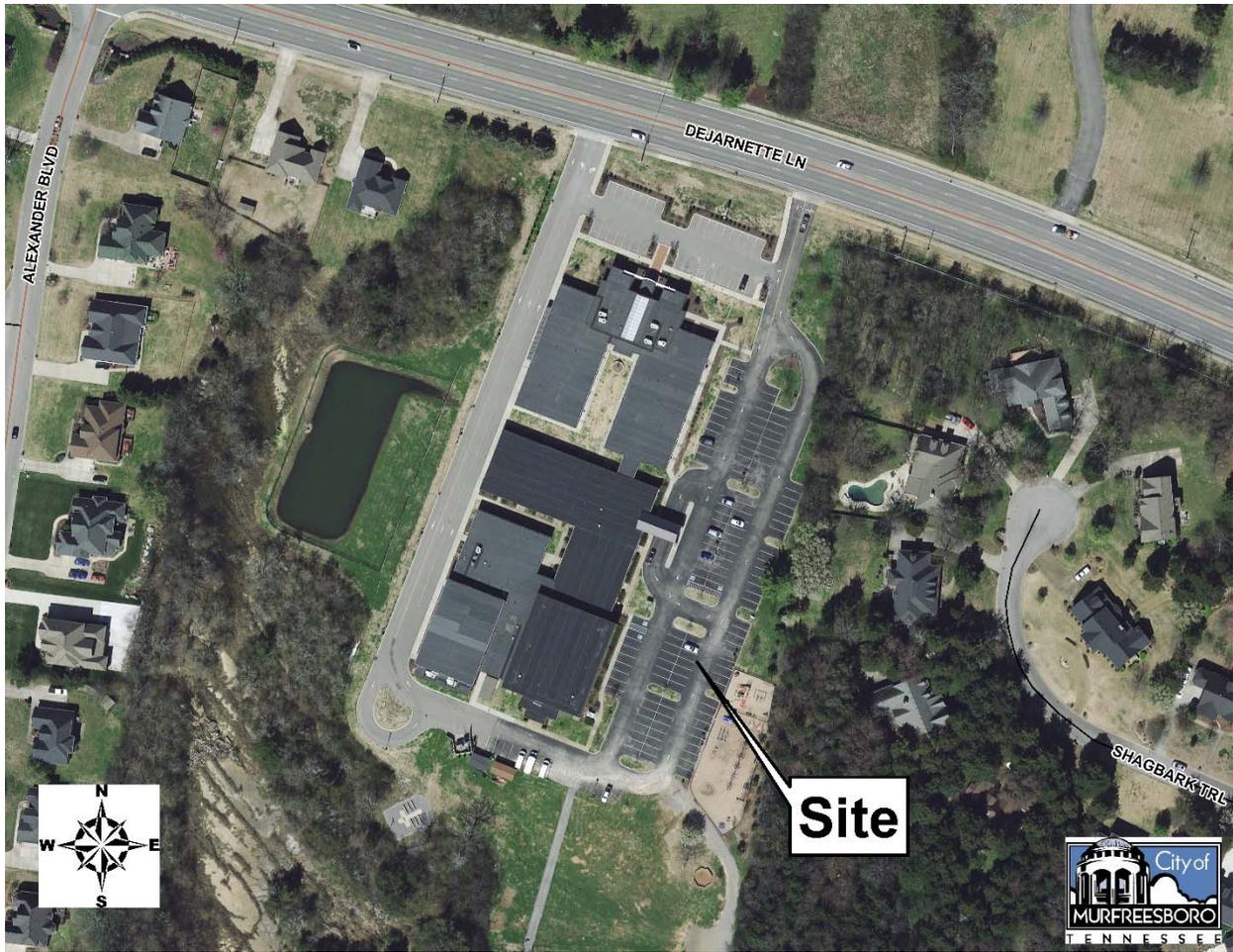
Attachment A: Site Photos and Aerial Photo



View of the two existing portable classroom buildings with the new portable classroom building to be placed in the parking row closer to the camera



View of the two existing portable classroom buildings with the new portable classroom building to be placed in the parking row closer to the camera



Aerial photo of site

B. Letter of Explanation from Applicant

SEC, Inc.

SITE ENGINEERING CONSULTANTS

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

June 8, 2020
Updated June 9, 2020

Mr. Austin Cooper
City of Murfreesboro
111 W Vine St
Murfreesboro, Tennessee 37130

RE: Providence Christian Academy
BZA Special Use Permit (Temporary Portable Addition and Extension of Time)
Murfreesboro, Tennessee
SEC Project No. 18114

Dear Austin:

Pursuant to Section 8 – Procedure for Uses Requiring Special Permits and Section 9 – Standards for Special Permit Uses of the City of Murfreesboro Tennessee 2018 Zoning Ordinance in regards to the existing ***Providence Christian Academy*** (on a 18 acre Parcel 2.00 of Tax Map 81 along DeJarnette Lane), please accept the following information as our submittal package for the official Board of Zoning Appeals – Hearing Request Application.

Section 8 – Procedure for Uses Requiring Special Permits

(A) Name, address, and telephone number of the applicant

SEC, Inc on behalf of Providence Christian Academy
c/o Matt Taylor
850 Middle TN Blvd
Murfreesboro, TN 37129

(B) Nature and extent of applicant's ownership interest in subject property

Providence Christian Academy currently owns the property. If the special use permit is granted, the applicants intend to add an additional portable and extend the approval time for the original two (2) temporary portables for classrooms and/or offices while the construction of the gym and additional parking is completed.

(C) Site plan to be submitted for review by City Staff and the Board of Zoning Appeals

A concept plan has been submitted with this application for review.

(D) Address of the site of the proposed special use

South of DeJarnette Lane
410 DeJarnette Lane
Murfreesboro, TN 37130

(E) Vicinity Map showing the property of the proposed special use and all parcels within a five-hundred foot radius

A vicinity map has been submitted with this application for review.

(F) Zoning Classification of property of the proposed special use

The property is currently zoned RS-15 and previously been granted a special use permit for a private school.

(G) The property of the proposed special use shall have the following characteristics:

1.) Hours and days of operation

Monday thru Friday from 7:00 AM – 5:00 PM is the main concentration of activity.

2.) Duration of the proposed special use

Temporary for a 1 year duration (all 3 portables will be removed by June 30, 2021)

3.) Number of expected patrons that will be expected to utilize the property of the proposed special use

The portables will be large enough to handle up to 50 total people

4.) Projected traffic that will be expected to be generated by the proposed special use

No additional traffic due to the portables is anticipated.

Traffic generation projections are attached with this submittal. Currently at peak times, the peak traffic entering the facility is approximately 265 vehicles per hour. After the school reaches its maximum student body size, the peak traffic entering the facility is projected to be 490 vehicles per hour. The parking lot is currently has approximately 180 parking spaces. After all the phases are completed, the site is projected to have approximately 674 spaces.

(H) Potentially harmful characteristics of the proposed special use for the zoning district in which it is proposed and the manner in which the applicant proposes to eliminate or minimize them

No new permanent lighting, landscaping, or trash enclosures are anticipated with the portables. The only lighting proposed will be attached to the temporary portables as required by codes

Section 9 – Standards for Special Permit Uses

(C) Standards of general applicability. An applicant for a special use permit shall present evidence at the public hearing on such special permit, which evidence must establish:

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

The proposed temporary portables should not have any substantial or undue adverse effect upon adjacent property or neighborhood. All existing landscaping will remain in place to act as the same buffer which exists today. The temporary portables are located toward the rear of the site away from

DeJarnette Lane. The location of the temporary portables still provides adequate parking spaces and vehicular circulation around the site while maintaining safe pedestrian ways for the students. No new water or sewer connections will be required for the temporary portables.

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

All existing landscaping will remain in place to act as the same buffer which exists today. The temporary portables are located toward the rear of the site away from DeJarnette Lane. The location of the temporary portables still provides adequate parking spaces and vehicular circulation around the site while maintaining safe pedestrian ways for the students.

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

The subjected property is located along public street DeJarnette Lane which has previously been widened to 5 lanes from Memorial Blvd to Lascassas Highway.

All of the parking needs for the buildings are contained on the site itself and will not have any connectivity with the surrounding residential neighborhoods. The provided parking still exceeds the required parking with these portables in place.

The drainage for the site will be directed toward the northwest to the existing pond on-site.

Solid waste disposal will be handled via the existing dumpster.

Fire protection and domestic water feeds are existing and provided by a connection to the existing loop and will remain for the temporary portables.

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

No existing trees will be removed due to the portables. The existing pond is located on the western side of the property is projected to remain and continue to operate as it currently does and be modified to accept runoff from this project.

No other structures or features are known to be of significant importance to remain at this time, however if the BZA identifies any such features the applicant will work to preserve those as well.

5) that the proposed building or use complies with all additional standards imposed on it by the particular provision of this section authorizing such use (zz)

(zz) Institutional p assembly uses, including recreational fields, public buildings, public or private schools grades K-12, lodges, country clubs,

churches, and other places of worship, shall be subject to the following additional standards

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

As represented on the site plan, all parking has been removed from the required front yard and no parking is proposed to back onto the public street. No new parking or passenger loading & unloading zone is proposed with the temporary portables.

- 2.) In all residential districts, an institutional use group assembly use shall have a lot size not less than three times the minimum lot size permitted in the zoning district where the institutional group assembly is proposed to be located**

The minimum lot size of the RS-15 zone requires a minimum of 15,000 s.f. lots thus the minimum size is 45,000 s.f. or 1.033 acres. The proposed site is approximately 18 acres in size which is 17.4 times larger than the required minimum.

- 3.) Onsite lighting for parking areas, fields for athletics, scoreboards and grounds shall be arranged in such a manner as to minimize intrusion of the lighting into areas zoned or used for residential or medical purposes**

No new permanent lighting is proposed with the portables. The only lighting proposed will be attached to the temporary portables as required by codes

- 4.) Applications for an institutional group assembly use shall indicate the proposed locations of garbage dumpsters or receptacles. These facilities shall be located in such a manner as to minimize the adverse effects upon neighboring properties and aesthetics from the public right-of-way.**

Solid waste disposal will be handled via a dumpster located on the southern portion of the property. The dumpster will be sited on a concrete pad and enclosed with a masonry enclosure and screened with landscaping. The location and the screening features will aid in minimizing any effects on neighboring properties or the public right-of-ways.

- 5.) Areas for outdoor recreational use or outdoor group activities shall be screened or fenced in such a manner as to provide an effective buffer for adjacent uses**

The existing recreational areas are proposed to be used on a limited basis and the existing vegetation along property lines will remain to be used as buffers.

- 6.) The number of required parking spaces provided onsite shall be in accordance with Chart 4 of this article**

The total projected parking spaces while the temporary portables are in place is shown as 156 which exceeds the ordinance requirements by 48 spaces.

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

No change in school activities is associated with the use of the temporary portables.

- 8.) ***The BZA shall have the authority to approve an onsite location with water, sewer, and electric utility connections for accommodations for travel trailers or recreational vehicles (RV's)***

No such uses are being requested at this time.

- 9.) ***The BZA shall have the authority to grant variances to the standards imposed by this subsection for temporary or short term uses of the property for the institutional group assembly use purposes***

No temporary or short term uses beyond the use of the temporary portables are proposed at this time, therefore the applicant is not requesting any variances associated with such uses.

- 10.) ***The application for special use permit for an institutional group assembly use shall indicate an intentions for the use of systems for external broadcast of speech, music, or other sounds***

The applicant does not intend to have a speaker attached to the building.

Your thorough consideration of the requested special use permit is much appreciated. Please contact me if any additional information is required. I can be contacted at 615-890-7901 or via email at mtaylor@sec-civil.com.

Sincerely,



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

C. BZA Application

City of Murfreesboro BOARD OF ZONING APPEALS		HEARING REQUEST APPLICATION	
Location/Street Address: 410 Providence Christian Academy			
Tax Map: 81	Group:	Parcel: 2.00	Zoning District: RS-15
Applicant: SEC, INC C/O MATT TAYLOR E-Mail: MTAYLOR@SEC-CIVIL.COM			
Address: 850 MIDDLE TN BLVD		Phone: 615-890-7901	
City: MURFREESBORO		State: TN	Zip: 37129
Property Owner: PROVIDENCE CHRISTIAN ACADEMY			
Address: 410 DEJARNETTE LANE		Phone:	
City: MURFREESBORO		State: TN	Zip: 37130
Request: <small>SPECIAL USE PERMIT MODIFICATION FOR PRIVATE SCHOOL TO ALLOW AN ADDITIONAL PORTABLE AND EXTEND THE TIMEFRAME FOR THE ORIGINAL 2 PORTABLES</small>			
Zoning District: RS-15			
Applicant Signature: <i>[Signature]</i>		Date: 6/8/2020	
Received By: BREUDA DAVIS		Receipt No.: 530072	
Application #: 20-2-027		Date: 6-8-20	

**Murfreesboro
Board of
Zoning Appeals**

Received
Planning Department
JUN 8 2020
111 West Vine Street
Murfreesboro, TN 37130



**MURFREESBORO
TENNESSEE**

**HEARING APPLICATION
AND
GENERAL INFORMATION**

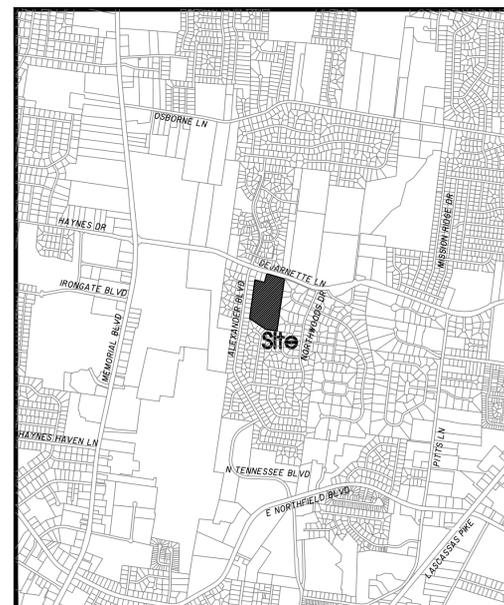
D. Site Plan

Providence Christian Academy

Murfreesboro, Tennessee Special Use Application Temporary Portables Use

Drawing Index

Sheet No.	Title
1	Cover Sheet
2	Existing Conditions/Initial EPSC/Demo Plan
3	Location Map
4	Site Plan/Variance Exhibit



Site Location Map
Not To Scale

Owner/Applicant:
Providence Christian Academy
410 DeJarnette Ln.
Murfreesboro, TN 37130

Deed Reference:
Tax Map 81, Parcel 2.00
R. Bk. 630, Pg. 336

Yard Requirements:
Front: 40'
Side: 12.5'
Rear: 30'

Intended Use:
School

Land Use Data:
Zoned: RS-15
1&2-Story Building's
Building Ht.: 43'-8"
Ground Floor:
44,158 Sq.Ft. Classrooms/Gymnasium
4,267 Sq.Ft. Dining Hall (Future)
9,822 Sq.Ft. Auxiliary Gymnasium (Future)
Second Floor:
15,662 Sq.Ft. Shell Classroom Space
Total Floor Space: 59,820 Sq.Ft. (Proposed)
1 Lot on: 18.01± Acres

Parking Requirement:
Kindergarten: 1 Space/ 5 Students x 100 Students = 20 Spaces
Grades 1-12: 1 Space/5 Seats in Auditorium x 1000 Seat Gym = 200 Required Spaces
Total Required Spaces = 220 Spaces
Provided: 668 Regular + 6 H.C. = 674 Total Spaces Provided

Existing Site Parking Requirements:
Kindergarten: 1 Space/ 5 Students x 33 Students = 7 Spaces
Grades 10-12: 1 Space/5 Seats in Auditorium x 433 Seats = 87 Spaces
or Grades 1-9: 2 Per Classroom x 35 = 70 Spaces
Grades 10-12: 5 Per Classroom x 7 = 35 Spaces
Total Currently Required = 7 + 70 + 35 = 112 Spaces
Total Provided After Portable Installation = 137 Spaces

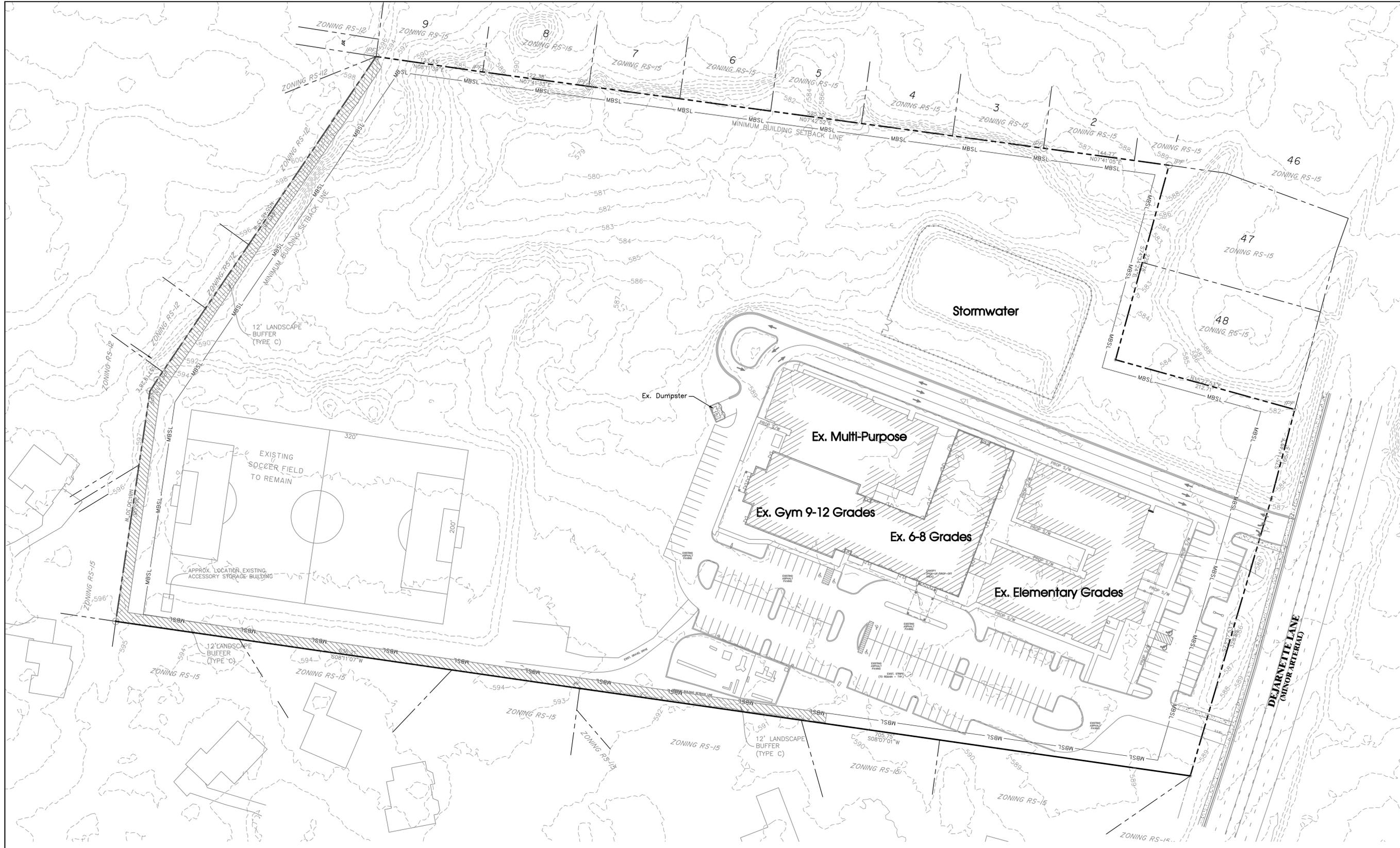
Flood Map No.:
This site lies within Zone X, not in the
100 Year Floodplain, per Community Panel
47149C0163H dated January 5, 2007.

SEC, Inc. SITE ENGINEERING CONSULTANTS
ENGINEERING • SURVEYING • LAND PLANNING

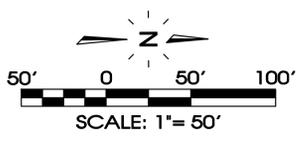
850 MIDDLE TENNESSEE BOULEVARD MURFREESBORO, TENNESSEE 37129
PHONE: (615) 890-7901 E-MAIL: MTAYLOR@SEC-CIVIL.COM FAX: (615) 895-2567
NO PORTION OF THIS DRAWING MAY BE REPRODUCED WITHOUT THE EXPRESSED WRITTEN CONSENT OF S.E.C. INC.



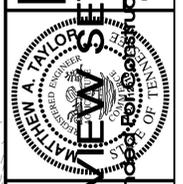
By: _____ Date: _____
Matthew A. Taylor, P.E. TN. Reg. #112515



Parking Count:
Existing Site: 174 Reg. + 6 H.C. = 180 Spaces



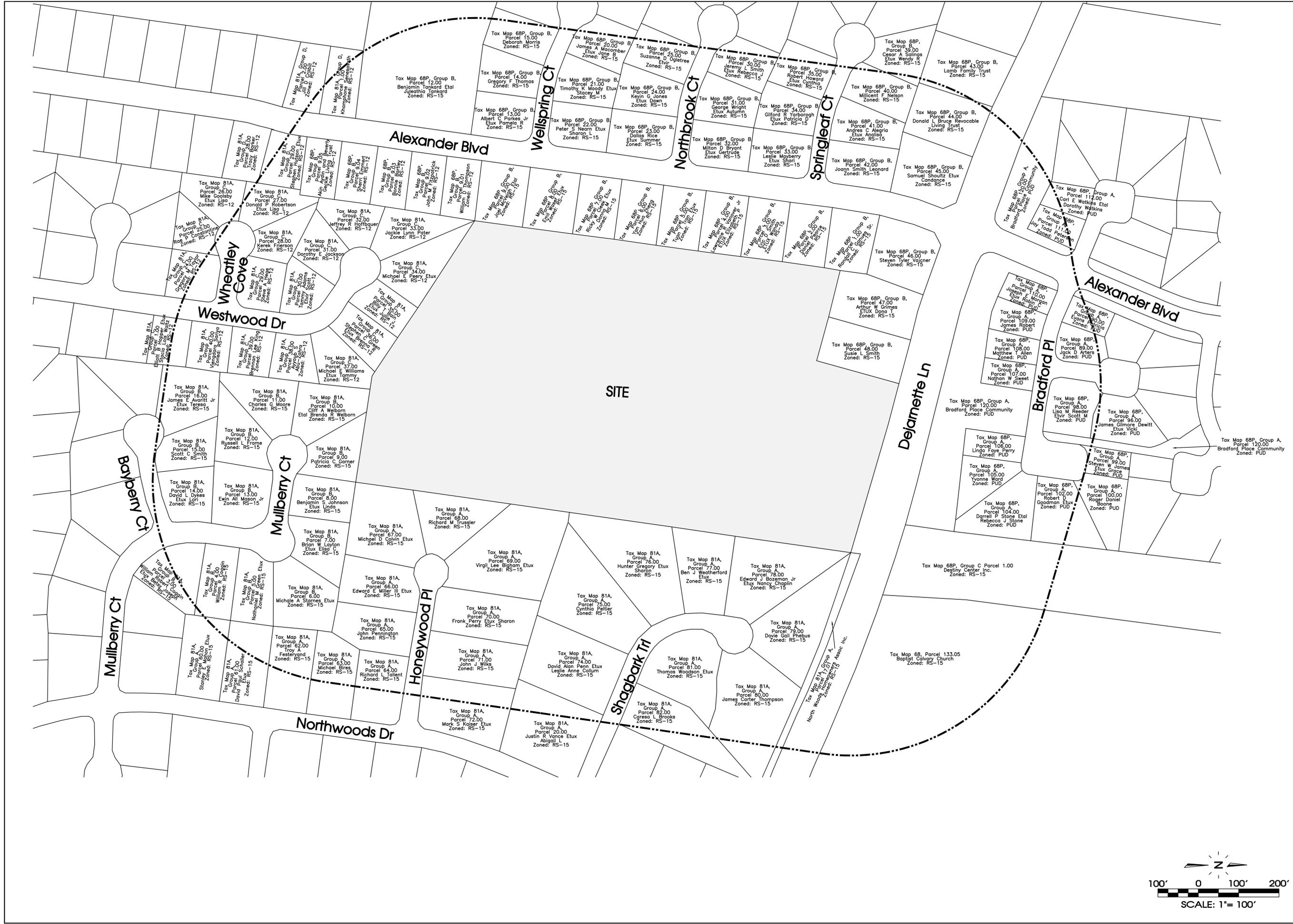
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 LANDSCAPE ARCHITECTURE
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Providence Christian Academy
BZA Variance
 Murfreesboro, Tennessee

Existing Conditions

REVISED:	
DRAWN: SJA	
DATE: 6-8-20	
CHECKED:	
MAT	
FILE NAME:	
FILE NAME	
SCALE:	
1" = 50'	
JOB NO.	18114
SHEET:	



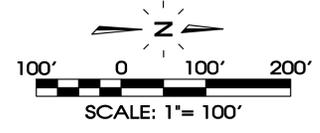
SEC, Inc.
 ENGINEERING • SURVEYING • LAND PLANNING
 LANDSCAPE ARCHITECTURE
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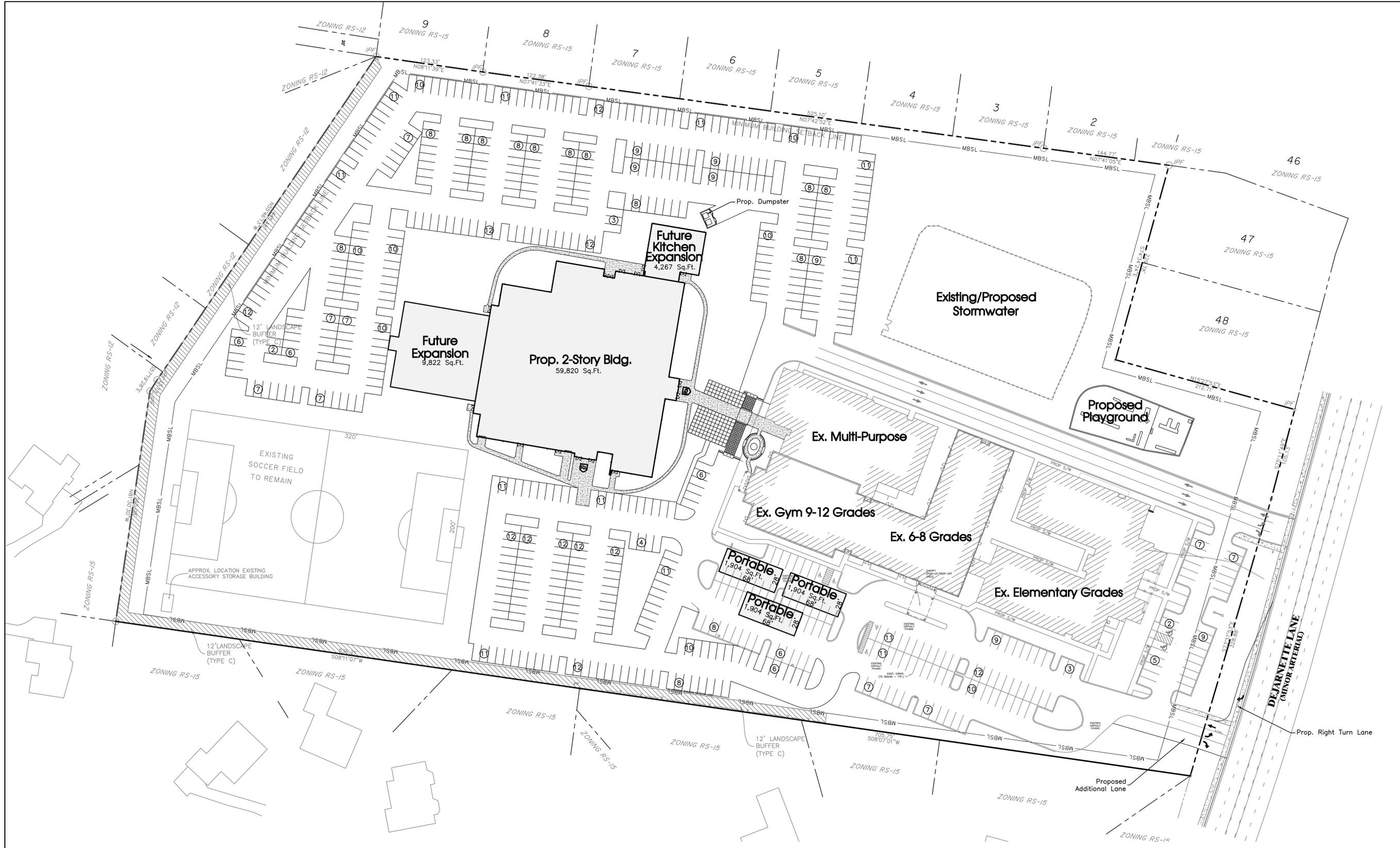
Providence Christian Academy
BZA Variance
 Murfreesboro, Tennessee

REVIEW SET
 (Not intended for construction)

Location Map

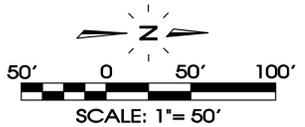
REVISED: _____
 DRAWN: SJA
 DATE: 6-8-20
 CHECKED: _____
 MAT _____
 FILE NAME: _____
 SCALE: _____
 1" = 100'
 JOB NO. 18114
 SHEET: 3 of 4



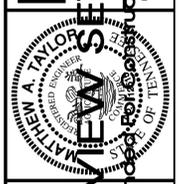


Parking Count:
 Existing Site: 174 Reg. + 6 H.C. = 180 Spaces (108 Spaces Required)
 With Portables: 137 Regular + 4 H.C.=141 Total Spaces With Portables Present

Proposed Master Plan:
 517 Proposed + 151 Existing + 6 H.C. = 674 Spaces



SITE ENGINEERING CONSULTANTS
 ENGINEERING • SURVEYING • LAND PLANNING
SEC, Inc.
 LANDSCAPE ARCHITECTURE
 850 MIDDLE TENNESSEE BOULEVARD
 MURFREESBORO, TENNESSEE 37129
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 THE ENGINEER ASSUMES NO ADMINISTRATIVE LIABILITY OR RESPONSIBILITY IN THE ASSURANCE THAT THE SITE IS CONSTRUCTED IN ACCORDANCE WITH THE CONSTRUCTION PLANS.



Providence Christian Academy
BZA Variance
 Murfreesboro, Tennessee

Concept Master Plan
 REVISED:
 DRAWN: SJA
 DATE: 6-8-20
 CHECKED:
 MAT
 FILE NAME:
 File Name
 SCALE:
 1"=50'
 JOB NO.
 18114
 SHEET:
4 of 4