

**MINUTES
OF THE CITY OF MURFREESBORO
BOARD OF ZONING APPEALS**

City Hall, 111 W. Vine Street, Council Chambers

MARCH 24, 2021, 1:00 PM

Members Present:

Davis Young, Chair
Ken Halliburton, Vice-Chair
Tim Tipps
Julie King (via Zoom)
Misty Foy (via Zoom)

Staff Present:

Marina Rush, *Principal Planner*
Matthew Blomeley, *Assistant Planning Director*
Austin Cooper, *Planner*
Brad Barbee, *Planner*
Roman Hankins, *Assistant City Attorney*
Serena Harris, *Recording Assistant*

1. Call to order:

Chair Young called the meeting to order at 1:00 pm and announced that in accord with the Executive Order of the Governor, two members (Julie King and Misty Foy) would be participating electronically and all votes would be conducted by roll call.

2. Determination of a quorum:

Chair Young determined that a quorum was present.

3. Approve Minutes of the

The minutes from the December 21, 2020 regular meeting were approved as submitted.

4. New Business:

- a. Zoning application [2021-002] for 4432 Veterans Parkway, requesting a special use permit in order to operate a temporary outdoor vending establishment (seasonal fireworks retailer) in a Commercial Highway (CH) zone. (Project Planner: Austin Cooper)**

Austin Cooper presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these minutes by reference.

Chair Young opened the public hearing.

Chair Young closed the public hearing.

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There being no further discussion, Tim Tipps moved to approve the application, subject to all staff recommendations; The motion was seconded by Ken Halliburton, and upon roll call the motion was approved by the following vote:

Aye: Ken Halliburton
Julie King
Misty Foy
Tim Tipps
Chair Davis Young

Nay: None

- b. Zoning application [2021-003] for 2946 S. Church Street, requesting a special use permit in order to operate a temporary outdoor vending establishment (seasonal fireworks retailer) in a Commercial Highway (CH) zone. (Project Planner: Austin Cooper)**

Austin Cooper presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these minutes by reference.

Chair Young opened the public hearing.

Chair Young closed the public hearing.

There being no further discussion, Tim Tipps moved to approve the application, subject to all staff recommendations; The motion was seconded by Ken Halliburton, and upon roll call the motion was approved by the following vote:

Aye: Ken Halliburton
Julie King
Misty Foy
Tim Tipps
Chair Davis Young

Nay: None

- c. Zoning application [2021-004] for 2901 South Church Street, requesting a special use permit in order to install a drive-up window electronic menu board and queuing lane within 200 feet of property zoned PRD (Planned Residential District) in a Commercial Fringe (CF) zone. (Project Planner: Austin Cooper):**

Austin Cooper presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these minutes by reference.

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Ken Halliburton inquired if the menu board is on the east side/rear of the building and what the setback is for the nearest home that is adjacent to to this property line.

Tim Tipps verified distance concerns per regulation, zoning, and impact on four homes that would be directly affected.

Chair Young inquired if relief is for electronic menu board or drive thru lane.

Marina Rush clarified the special use permit is for the reduction in the distance, and that the applicant is having to show efforts to mitigate impact and noise from menu board and drive-thru lane.

Chair Young inquired about comparable project, Dairy Queen on Cason Lane and adjustments made in that case.

Matthew Blomeley offered clarification on comp special use permits and the special measures taken to mitigate impact.

Tim Tipps inquired if the property owners to the east had been notified. Austin Cooper confirmed that a neighborhood meeting with the adjacent property owners was requested and complied with, which was held on March 16, 2021. Information and neighbors' concerns were reviewed and not but feels buffer, berm, and fence would ease many of the residents' concerns.

Marina Rush clarified that the Type D buffer is required by the zoning ordinance. The applicant is proposing additional buffers as noise mitigation.

Mr. Cooper explained that the closest home is approximately 140 from the menu board and 94 feet from the property line.

Henry Klover of H.C.Klover Architects, 8813 Penrose Lane, Suite 400, Lexexa, KS 66219 offered additional information on the project.

Chair Young opened the public hearing.

Nathan Daniel Creach of 2890 Runnymede Dr., Murfreesboro, TN came forward to express concerns opposing the drive-up window electronic menu board.

Shirley Bowman of 2902 Runnymede Dr., Murfreesboro, TN came forward to express concerns opposing the drive-up window electronic menu board.

Chair Young closed the public hearing.

Mr. Klover came forward to provide further clarification on the project and share relative information and mitigation efforts regarding concerns from the neighborhood meeting.

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Mr. Cooper offered further clarification on the project.

Brad Barbee offered further landscaping information regarding the project.

Julie King inquired if the Duncan Doughnuts, which was not sent before the board should be used a precedent for a decision on this application.

Marina Rush offered clarification on the applicable zoning ordinance and confirmed that the ordinance itself takes precedence

There being no further discussion, Ken Halliburton moved to defer the application; The motion was seconded by Tim Tipps, and upon roll call the motion was approved by the following vote:

Aye: Ken Halliburton
Julie King
Misty Foy
Tim Tipps
Chair Davis Young

Nay: None

d. Zoning application [2021-005] for 1503 Sulphur Springs Road, requesting a special use permit for an expansion of an institutional group assembly use to construct a pavilion in a Single Family Residential (RS-10) zone. (Project Planner: Austin Cooper):

Austin Cooper presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these minutes by reference.

Mr. Cooper confirmed that the applicant will not have any events after 9:30.

Rob Molchan of SEC, Inc. 850 Middle Tennessee Blvd, Murfreesboro, TN 37129 offered additional clarification on the project.

Chair Young opened the public hearing.

Erin Shaw of 1202 Garden Court, Murfreesboro, TN came forward expressing concerns regarding noise restrictions timeframes and landscape buffer that has been removed.

Brock Lillis, Pastor of Bethel Community Church, 1503 Sulphur Springs Road offered additional insight on pavilion use.

Chair Young closed the public hearing.

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There being no further discussion, Tim Tipps moved to approve the application, subject to all staff recommendations; The motion was seconded by Ken Halliburton, and upon roll call the motion was approved by the following vote:

Aye: Ken Halliburton
Julie King
Misty Foy
Tim Tipps
Chair Davis Young

Nay: None

- e. Zoning application [2021-006] for property located along east side of Old Salem Road, north of Samsonite Boulevard (Map 102, Parcel 12.00, requesting a special use permit in order to construct a mission and group shelter in a Heavy Industrial (H-I) zone. (Project Planner: Brad Barbee):**

Brad Barbee presented the Staff Comments regarding this item, a copy of which is maintained in the permanent files of the Planning Department and is incorporated into these minutes by reference.

Rob Molchan of SEC, Inc. 850 Middle Tennessee Blvd, Murfreesboro, TN 37129 offered additional clarification on the project.

Scott Foster, Director of Journey Home offered additional insight on proposed project.

Brad Barbee added if applicant's sewer allocation variance is not approved at tomorrow's City Council meeting, the number in shelter would drop to 22, instead of 30.

Chair Young opened the public hearing.

Roger Patterson, owner of Patco, Inc (Patco Industrial Supply) at 1002 Samsonite Boulevard, Murfreesboro, TN 37129 came forward to express location and safety concerns opposing the construction of the mission/shelter in the light industrial zone, though acknowledging the community need for the service.

Two representatives (stated names are unclear) with the Child Advocacy Center of Rutherford County, Inc. at 1040 Samsonite Blvd, Murfreesboro, TN 37129 came forward to express location, looting, and safety concerns opposing the construction of the mission/shelter in the light industrial zone, though acknowledging the community need for the service.

Gina Beach, representing Juanita Barnett, homeowner of the property north of the proposed site, came forward to express financial concerns, property value declination, and safety concerns opposing the construction of the mission/shelter, though acknowledging the community need for the service.

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Bill Reid of 2413 Garrison Cove, Murfreesboro, TN, a volunteer and Journey Home Board member came forward to offer insight on proposed facility and its benefits.

David Harp, owner of Bluegrass Trucking, Inc. at 1135 Old Salem Road, Murfreesboro, TN 37129 came forward to express location and safety concerns opposing the construction of the mission/shelter in the light industrial zone, though acknowledging the community need for the service.

Jefferey Parker, Executive Director of Housing, Health, & Human Service Alliance of Rutherford County came forward to offer comments in favor of proposed facility and its benefits.

Josh Markum, a Journey Home volunteer and Missions Director at First Methodist Church came forward to offer insight on security aspects of the proposed facility and its benefits.

Drew Shelley 1823 Mosaic Trail an associate Pastor of First United Methodist Church at 265 W. Thompson Lane, Murfreesboro, TN offer comments in favor of proposed facility and its benefits.

Geneva Poss, Journey Home Outreach & Housing Director came forward to offer clarification on the security aspects of current and proposed facility, as well as general benefits of proposed facility.

Lynn Watson of 711 Majesty Drive, Murfreesboro, TN, a Journey Home Board member came forward to offer insight on proposed facility and its benefits.

Travis Summers, Outreach Pastor of the Experience Community Church at 521 Old Salem Road, Murfreesboro, TN came forward to offer insight on proposed facility and its benefits.

David Harp, owner of Bluegrass Trucking, Inc. at 1135 Old Salem Road, Murfreesboro, TN 37129 returned to the podium to express further objections.

Scott Foster, Director of Journey Home returned to podium to offer additional clarification on the project.

Chair Young closed the public hearing.

There being no further discussion, Misty Foy moved to approve the application, subject to all staff recommendations; The motion was seconded by Ken Halliburton, and upon roll call the motion was approved by the following vote:

Aye: Ken Halliburton
Julie King
Misty Foy
Tim Tipps

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Chair Davis Young

Nay: None

5. Staff Reports and Other Business:

- a. Marina Rush introduced Serena Harris, successor of Brenda Davis, Board of Zoning Appeals Recording Assistant.
- b. Matthew Blomeley informed the board that Austin Cooper's last day is April 2,2021 and the board offered congratulations on future endeavors.

6. Adjourn.

There being no further business, Chair Young adjourned the meeting at 3:29 p.m.

CHAIRMAN

SECRETARY