RESOLUTION 18-R-PS-08 to adopt a Plan of Services for approximately 55 acres along Asbury Road, Joseph C. Smith and Ricky D. Smith, applicants. [2017-520]

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 17, 2018 for its consideration and a written report, at which time the Planning Commission held a public hearing and thereafter recommended 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 April 12, 2018, pursuant to a Resolution passed and adopted by the City Council on January 25, 2018, and notice thereof published in The Murfreesboro Post, a newspaper of general circulation in said City, on March 27, 2018; 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 18-R-A-08**, the public welfare and the welfare of the City requiring it.

Passed: April 12, 2018

M. Shane McFarland

Shane McFarland, Mayor

ATTEST:

Melissa B. Wright

Melissa B. Wright
City Recorder

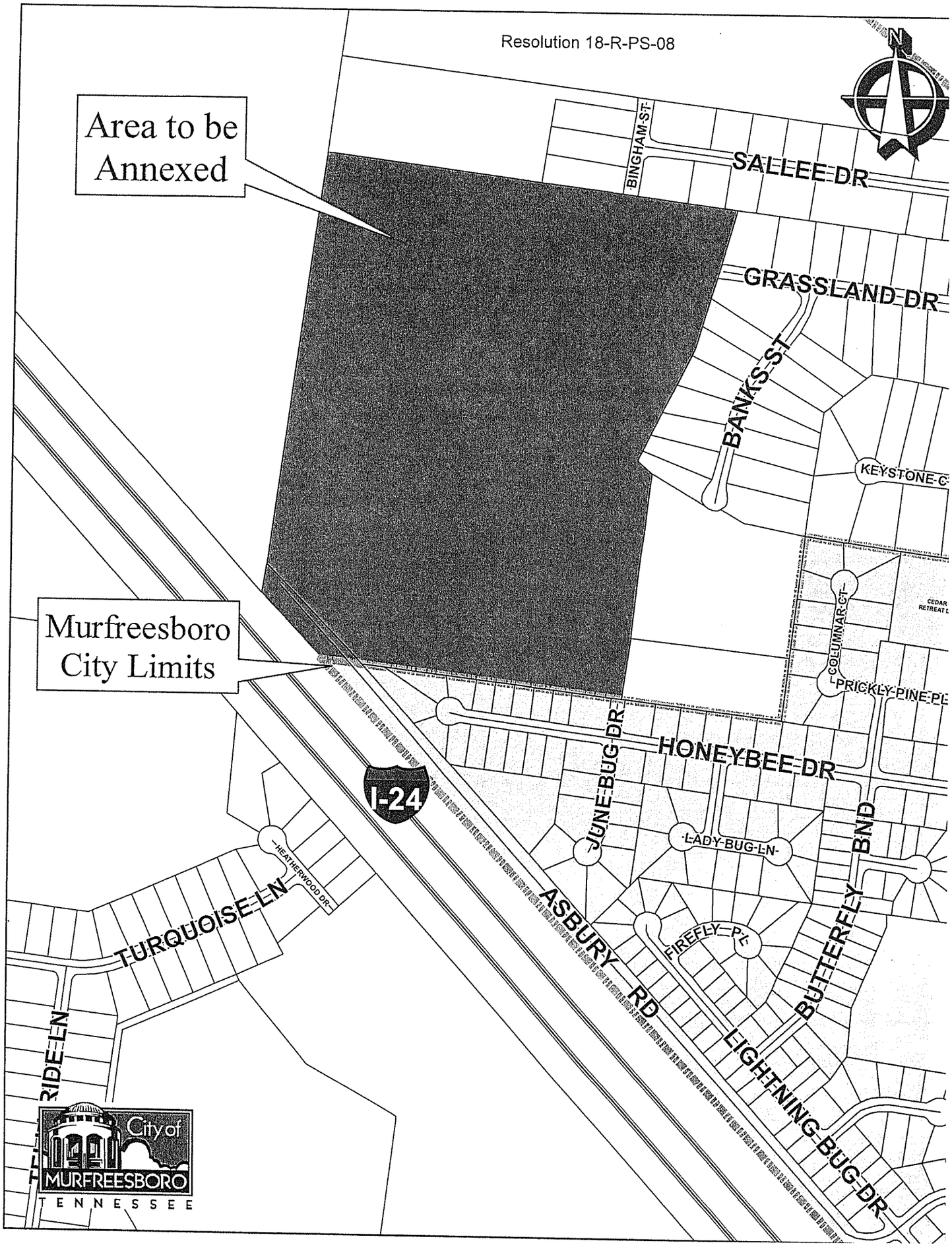
APPROVED AS TO FORM:

Craig D. Tindall
City Attorney

SEAL

mjp \\puckett\legal\files\council\ordinances & annexation, pos resolutions\2018\08 - 18-r-ps-08.docx 1/29/2018 2:08:46 PM #1

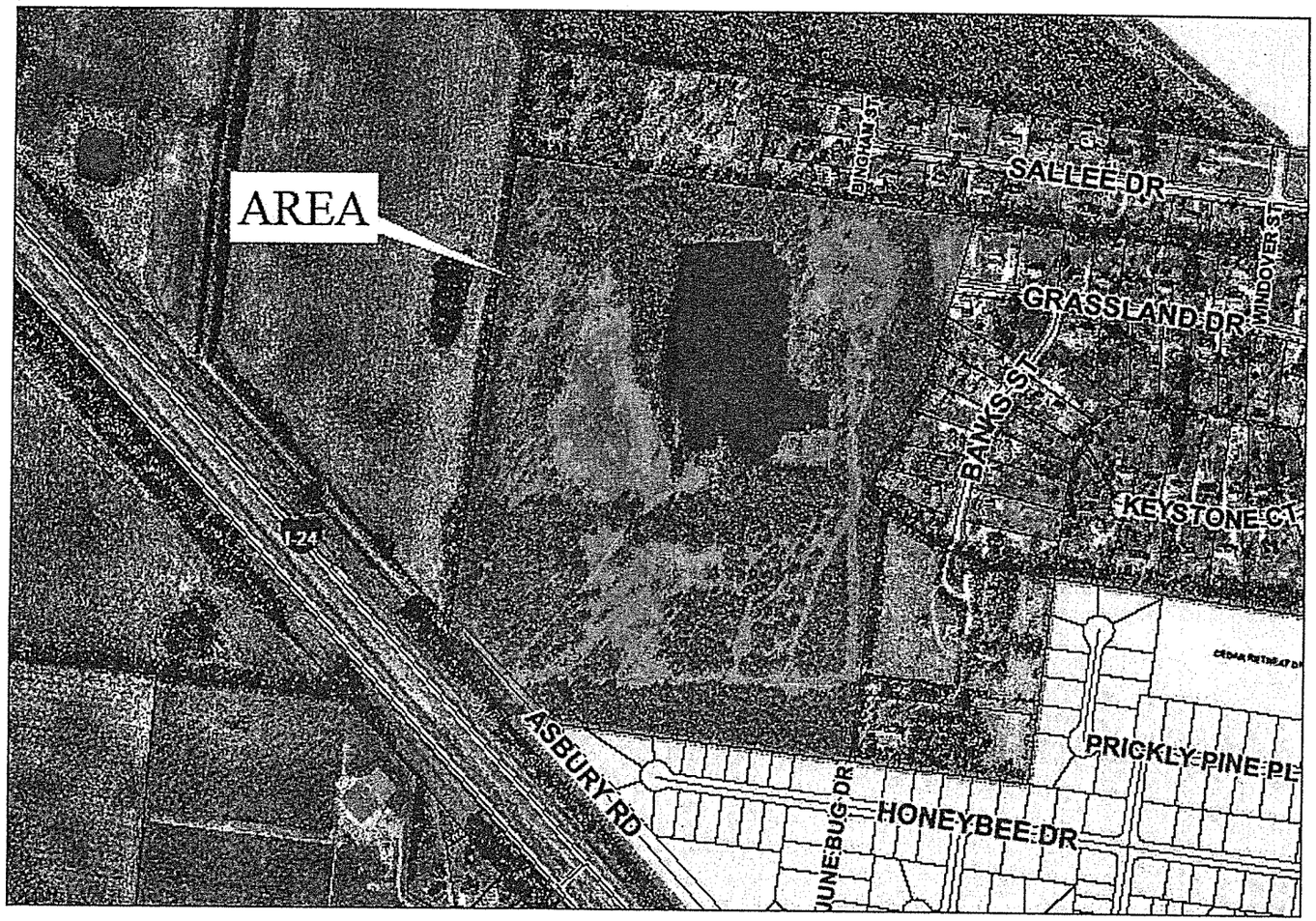
Resolution 18-R-PS-08



ANNEXATION REPORT FOR PROPERTY LOCATED 5295 ASBURY ROAD INCLUDING PLAN OF SERVICES (FILE 2017-520)

City of MURFREESBORO TENNESSEE

PREPARED FOR THE
MURFREESBORO PLANNING COMMISSION
January 17, 2018



Annexation Request for Property Along Asbury Road

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INTRODUCTION

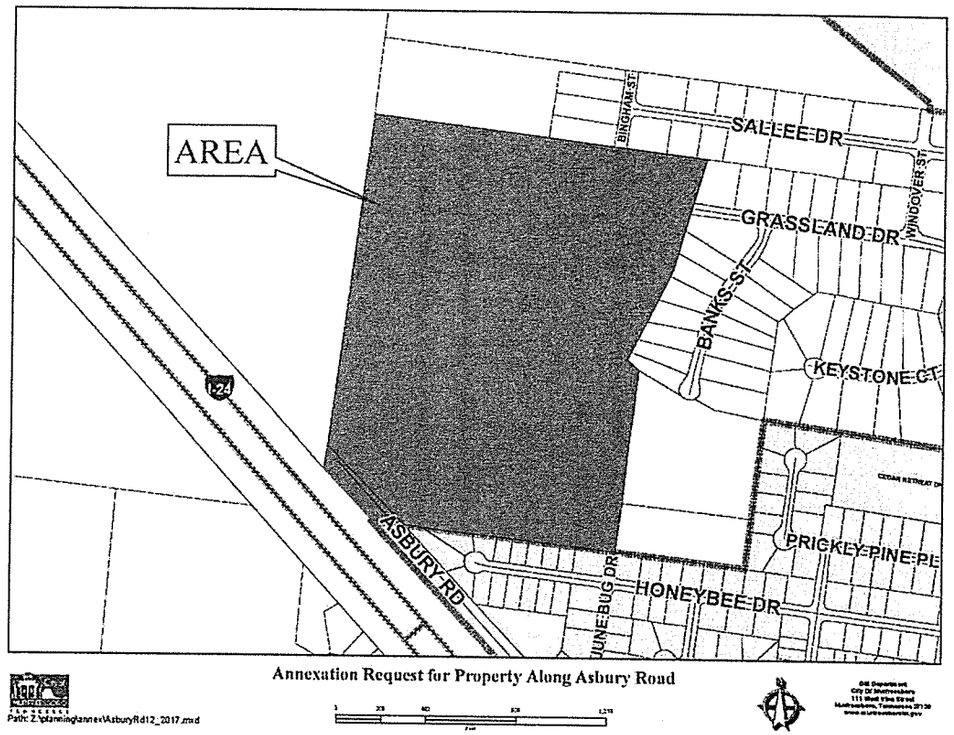
OVERVIEW

The property owners, Mr. Joseph C Smith and Mr. Ricky D. Smith have submitted a petition requesting to be annexed by the City of Murfreesboro. The request is for one parcel and includes a companion zoning change request to Planned Unit Development (PUD) simultaneous with annexation.

The subject property is located along the northeastern side of Asbury Road, northeast of Interstate 24. It is approximately 55 acres and is currently developed with two single family residences. Also included within the study area is 500 linear feet of Asbury Road right-of-way. The study area consists of:

- Tax Map 071 Parcel 020.05 (55 acres)
- Asbury Road right-of-way (0.85 acres)

The study area lies within the City of Murfreesboro's Urban Growth Boundary, and is contiguous with City limits along the southern property line.

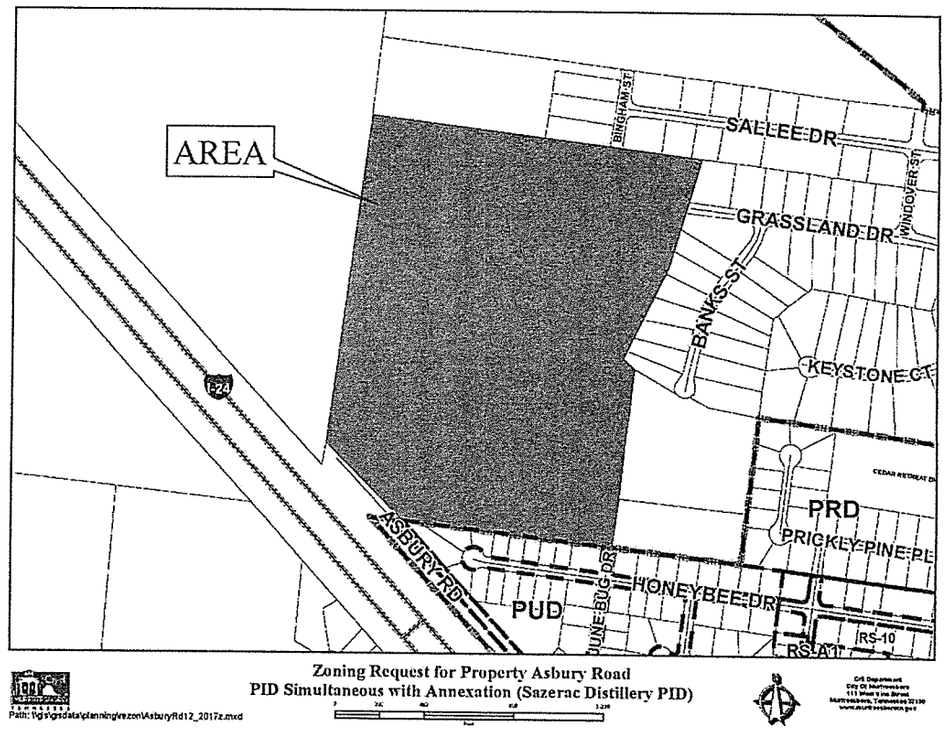


CITY ZONING

The applicant has requested PUD (Planned Unit Development) District zoning simultaneous with the annexation. The application is being made by Sazerac of Tennessee and the request is to allow for development of the property for alcohol manufacturing, whiskey distillation and ancillary uses.

The study area is presently zoned RM (Residential – Medium Density) in the unincorporated area of Rutherford County.

The adjacent property south of the study area is in the Thistle Downs single-family subdivision and is zoned PUD. The Cedar Retreat single-family subdivision is located to the east and is zoned PRD (Planned Residential District). The adjacent properties to the north and east are in the unincorporated area of Rutherford County and are a part of the Youngtown residential subdivision. Interstate 24 and a large, undeveloped tract are located to the west.



Zoning Request for Property Asbury Road
PID Simultaneous with Annexation (Sazerac Distillery PID)

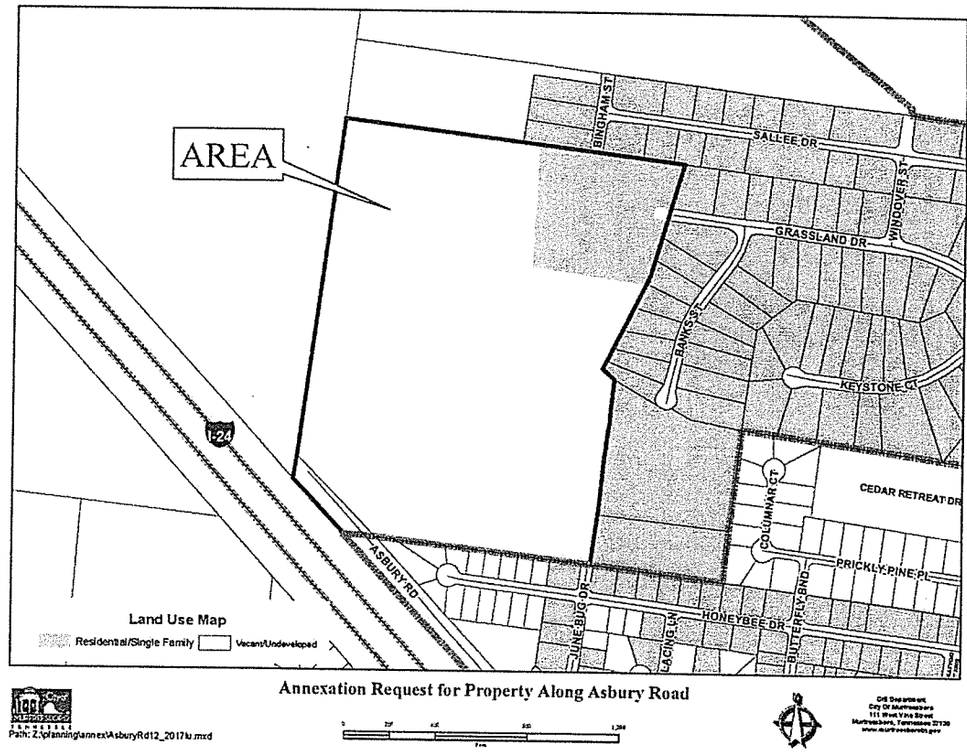
PRESENT AND SURROUNDING LAND USE

The study area is developed with two single family residences. A Conditional Use Permit allowing the second residence was authorized by Rutherford County Regional Planning Commission (May 6, 2006).

Previously, the study area was the site of a hard rock quarry.

Surrounding land uses include:

- Single family residential, Thistle Downs Subdivision, within City of Murfreesboro is contiguous to the south; and
- Single family residential, Youngstown Subdivision, in the unincorporated County to the east; and
- Agricultural and vacant land in the unincorporated County to the north and west.
- Asbury Road and Interstate 24 to the west.



TAXES AND REVENUE

The first City tax bill for all property annexed during the calendar year of 2018 will be due on December 31, 2019. City taxes are calculated upon the property appraisal and assessment of the Rutherford County Property Assessor's Office. The current tax rate for the City of Murfreesboro is $1.2066/$100.00 assessed value. Residential property is assessed at a rate of 25% of its appraised value, and commercial property is assessed at a rate of 40% of its appraised value. Table I below shows total assessment and estimated City taxes that would be collected if the property were to be annexed in its present state.

Table I
Estimated Taxes from Site

Owner of Record	Acres	Land Value	Improvements Value	Total Assessment	Estimated City Taxes
Rick Smith, etal	54.98	$76,700	$86,900	$40,900	$403.00

These figures are for the property in its current state and assessed at the residential rate of 25 percent. After this property is rezoned to Planned Commercial District (PCD) and when it is developed, an improvement value will be added and the appraisal rate will increase to 40 percent, which will result in an increase to the City and County taxes.

PLAN OF SERVICES

POLICE PROTECTION

At present, the study area receives police service through the Rutherford County Sheriff's Department. If annexed, the Murfreesboro Police Department will begin providing services such as patrol, criminal investigation, community policing, traffic operations, canine, DARE and other community crime prevention programs to the subject parcels immediately upon the effective date of annexation. This annexation will have no negative impact on the Murfreesboro Police Department. No additional costs to the department are expected. This property is located in Police Zone #4.

STREETS AND ACCESS

The Annexation Study Area includes 500 linear feet of Asbury Road. Primary access to a public roadway system is available through Asbury Road located on south of the property. Asbury Road is a 2-lane ditch section and connects to Florence Road, currently a 3-lane curb and gutter section. Additional access may be available to the north of the property with a connection to a future 5-lane major arterial roadway. This future roadway will connect to a proposed interchange with Interstate 24. This future roadway is on the 2040 Major Transportation Plan to be improved to a 5-lane curb and gutter section. Any future public roadway facilities to serve the study area must be constructed to City standards.

Reconstruction of Asbury Road for commercial access and proper turnaround will be required. Any connections to the roadway and improvements to the existing 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 policy requirements. Upon annexation, the City will become responsible for operation and maintenance of this street. Based on a 15-year repaving cycle, the annualized maintenance cost is $740 with State Street Aid and General Fund as funding sources. No additional public roadways are included in the study area. Any new public roadways to serve the study area must be constructed to City Standards.

REGIONAL TRAFFIC & TRANSPORTATION

The Study Area is served by Asbury Road as the local roadway facility. Asbury Road connects to Florence Road to the east. Florence Road connects to Manson Pike to the southwest and connects to Old Nashville Highway to the northeast. The 2014 Level of Service Model in the 2040 Major Transportation Plan shows Florence Road to be operating at a Level of Service C in the Study Area using average daily traffic (ADT) counts.

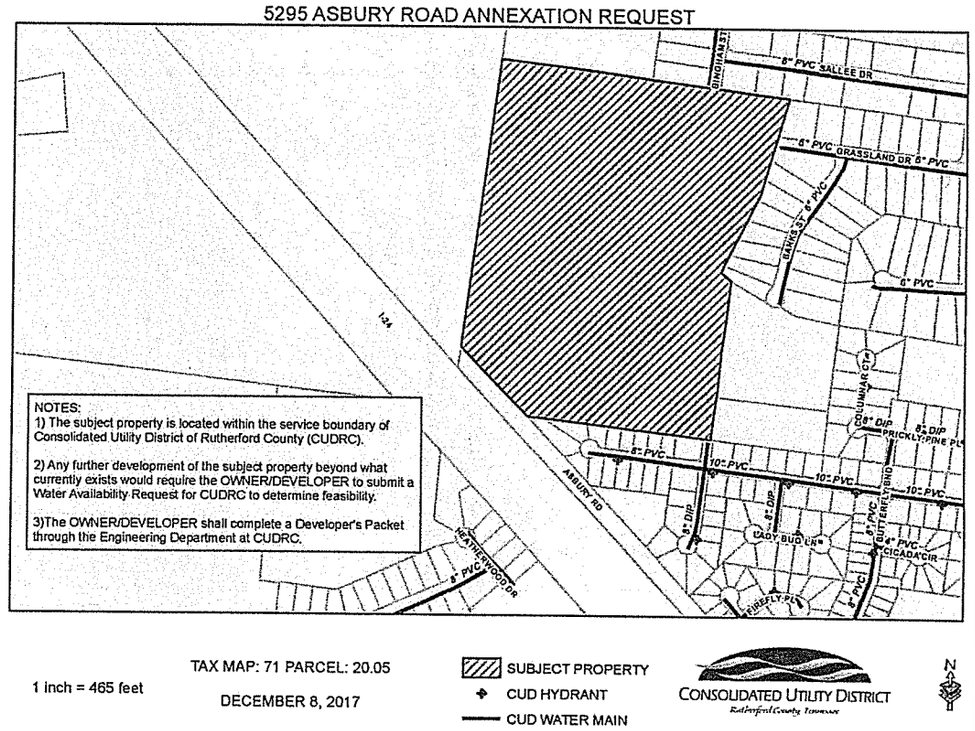
Florence Road/Brinkley Road/Manson Pike is the first major intersection to the south. Florence Road is operating at a Level of Service C, Brinkley Road is operating at a Level of Service B and Manson Pike is operating at a Level of Service C. Florence Road/Old Nashville Highway is the first major intersection to the north and is operating at a level of service C on Florence Road and level of service C on Old Nashville Highway. The 2040 Level of Service Model indicates that Florence Road will fall to an undesirable level of service of F without the proposed improvements recommended in the 2040 Plan; Brinkley Road will be at LOS of C, and Manson Pike will be at LOS of E and Old Nashville Highway will be at LOS of F. With the improvements recommended in the 2040 Plan the 2040 Level of Service Model indicates that Florence Road with operate at a level of service D; Brinkley Road will be at LOS of C, and Manson Pike will be at LOS of B and Old Nashville Highway will be at LOS of C.

WATER SERVICE

The study area is located within Consolidated Utility District's (CUD) service area. Future development of the subject property, as proposed, would require the owner/developer to submit a Water Service Availability Request for CUD to determine feasibility.

The developer of the property will be required to complete CUD's Developer Packet through the Engineering Department to determine feasibility prior to entering the construction phase.

The existing CUD water lines are shown on the adjacent map. Any new water line development must be done in accordance with CUD's development policies and procedures.

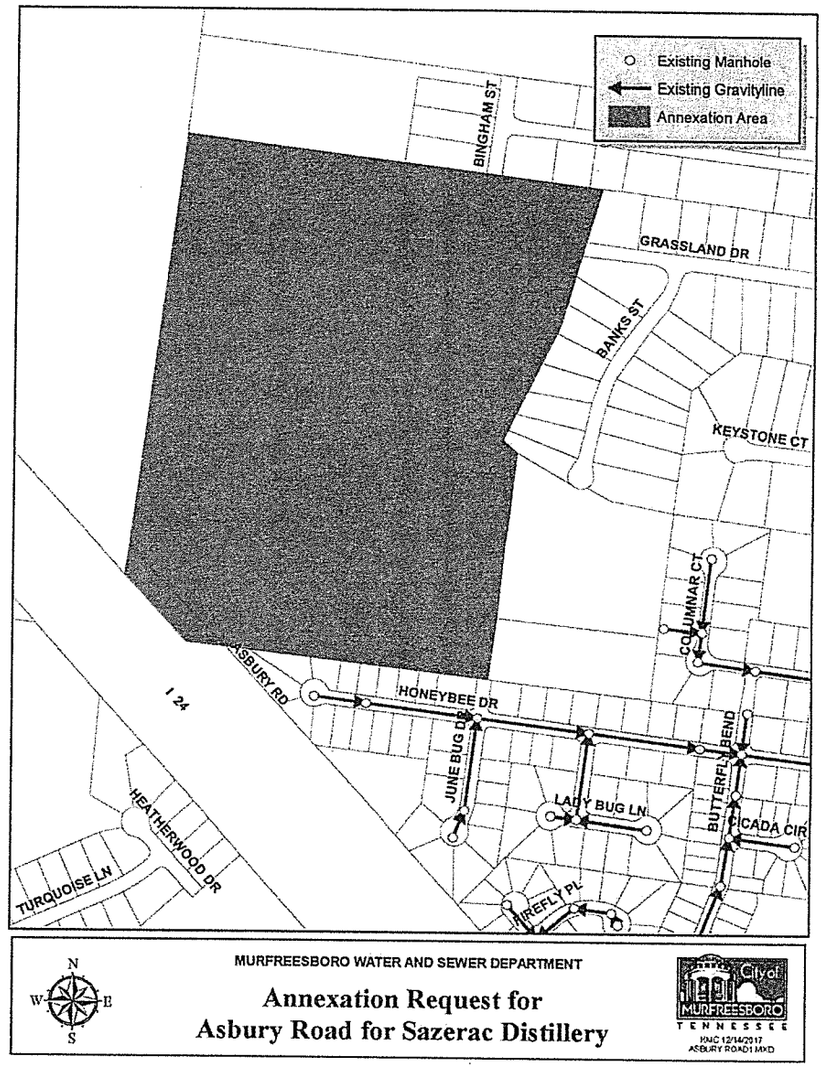


SANITARY SEWER SERVICE

Per the Department's current definition of "available", public sanitary sewer is available to the above property. The closest sanitary sewer main is an 8" main located southeast of the property in Thistle Downs Subdivision within the intersection of June Bug and Honeybee Drives, although it is questionable whether all buildings requiring sanitary sewer can be served by this gravity sewer.

The property is within the Overall Creek Sanitary Sewer Assessment District boundary and will pay $1,000 per single family unit or equivalent in addition to the current and standard connection fees. The current sewer connection fees are $2,550 per single family unit and one single family unit is equivalent to 260 gallons per day. At the time the property is developed, public sewer mains must be extended to serve the entire development if possible. Appropriate on-site sewer easements must also be dedicated. If gravity sewer will not work, then other alternatives are possible and those can be discussed. All sewer improvements needed to serve the subject properties are to be installed by the Developer in accordance with the Development Policies and Procedures of the Murfreesboro Water Resources Department found on-line at: http://www.murfreesborotn.gov/DocumentCenter/View/144

The red lines on the adjacent map represent existing sewer lines.

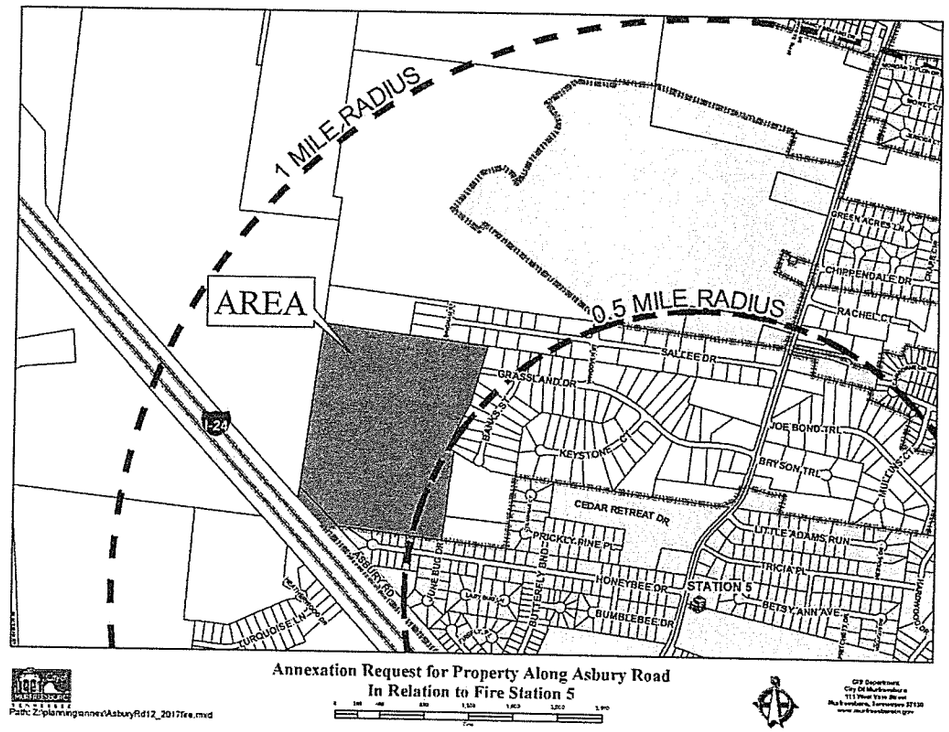


FIRE AND EMERGENCY SERVICE

The annexation will have no negative impact on the Murfreesboro Fire and Rescue Department (MFRD). MFRD will provide fire protection with a full-time, professional staff as well as medical first responder service. Prior to any development on the site, the developer shall provide adequate fire flows and install water lines and fire hydrants per the Murfreesboro Water and Sewer Department (MWSD) policies and procedures.

There are two single family residences on the property. MFRD can proved fire protection to the property.

The closest fire stations to the subject tract are Fire Station #5, located at 3006 Florence Road, 1.0 mile from the study area, and Fire Station #9, located at 802 Cason Lane, 6.1 miles from the study area. The MFRD can provide ISO Class Two (2) fire protection. The dashed lines on the adjacent map represent linear distance ranges from the nearest fire stations.



SOLID WASTE COLLECTION

The property is developed with a single-family residence, and the city will be responsible for providing one solid waste cart which currently costs approximately $54. The Solid Waste Department can provide service to the single-family house on Fridays. The cart will have to be placed at the dead end of Asbury Lane. The property is proposed to be zoned and developed as non-residential use for alcohol manufacture, and upon development will have commercial dumpster service with a private hauler.

ELECTRIC SERVICE

The study area is located within Middle Tennessee Electric Membership (MTEMC) service boundary and currently has service to the two residences. MTEMC has capacity to serve the proposed development. Any new electrical infrastructure installed will be required to adhere to MTEMC standards.

STREET LIGHTING

MTEMC can provide street lighting, as necessary, upon request by the City of Murfreesboro.

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.

RECREATION

Murfreesboro's Parks and Recreation facilities will be immediately available to residents of the study area upon the effective date of annexation. Currently Murfreesboro has two multi-purpose facilities, one community center, a wilderness facility, over 1,000 acres of parks, a network of greenways, and recreational sports. These facilities and programs are wholly funded by the Murfreesboro tax payers. Children who are residents of the City of Murfreesboro, attend Murfreesboro Elementary Schools, and receive free or reduced lunches also receive free or reduced recreational fees.

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. However, because this property is proposed to be zoned for manufacturing and commercial, no additional student population is anticipated.

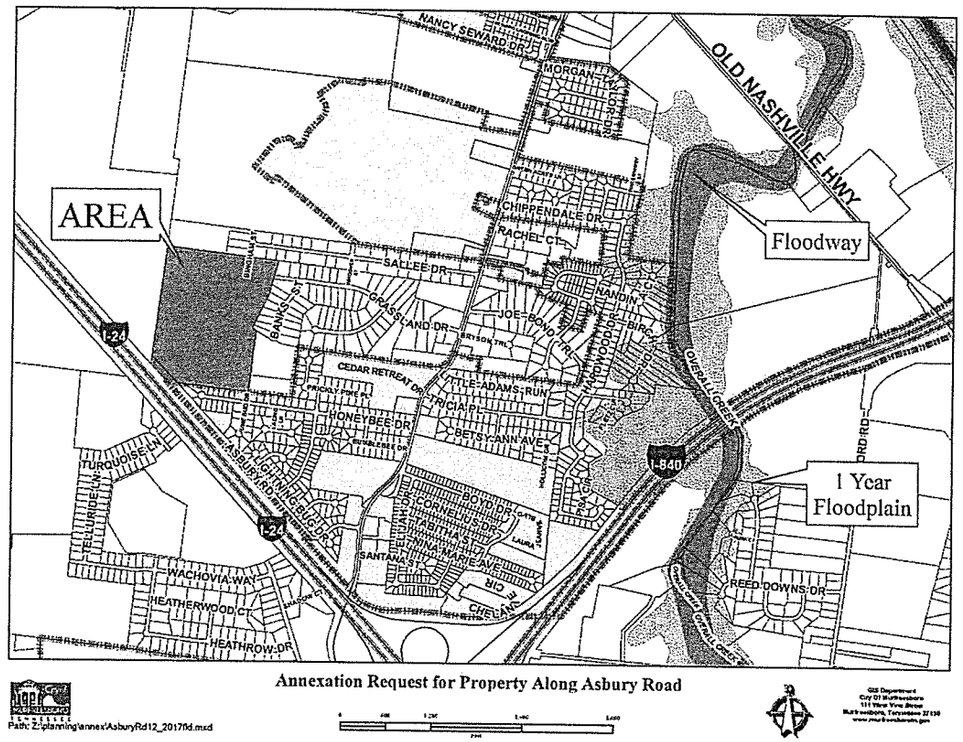
BUILDING AND CODES

The property will come within the City's jurisdiction for code enforcement immediately upon the effective date of annexation. The City's Building and Codes Department will begin issuing building and construction permits and enforcing the codes and inspecting new construction for compliance with the City's construction codes immediately upon the effective date of annexation. The Building and Codes Department will also ensure that any new signs associated with the development of the property comply with the Sign Ordinance. No additional costs are expected.

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).

The adjacent map shows the floodway boundary in purple and the 100-year floodplain boundary in blue.



PLANNING, ENGINEERING, AND ZONING SERVICES

The property will come within the City's jurisdiction for planning and engineering code enforcement immediately upon the effective date of annexation. As new development occurs, the Planning Commission will review all site plans, preliminary, and final plats. Among other duties, the Planning and Engineering Departments will inspect and monitor new construction of streets and drainage structures for compliance with the City's development regulations.

STORMWATER MANAGEMENT

Upon annexation, stormwater management services provided by the City of Murfreesboro will be available to the study area. The study area currently has two single family residences and will generate approximately $39 per residence per year in revenue for the Stormwater Utility Fee.

The subject property is proposed to be developed with approximately 105,500 square feet for a whiskey distillery and warehouse buildings, and a 36,600 square feet VIP Center. Based on this development scenario, it is anticipated that the site will generate approximately $2,500 annually in revenue for the Stormwater Utility Fund upon full build out.

DRAINAGE

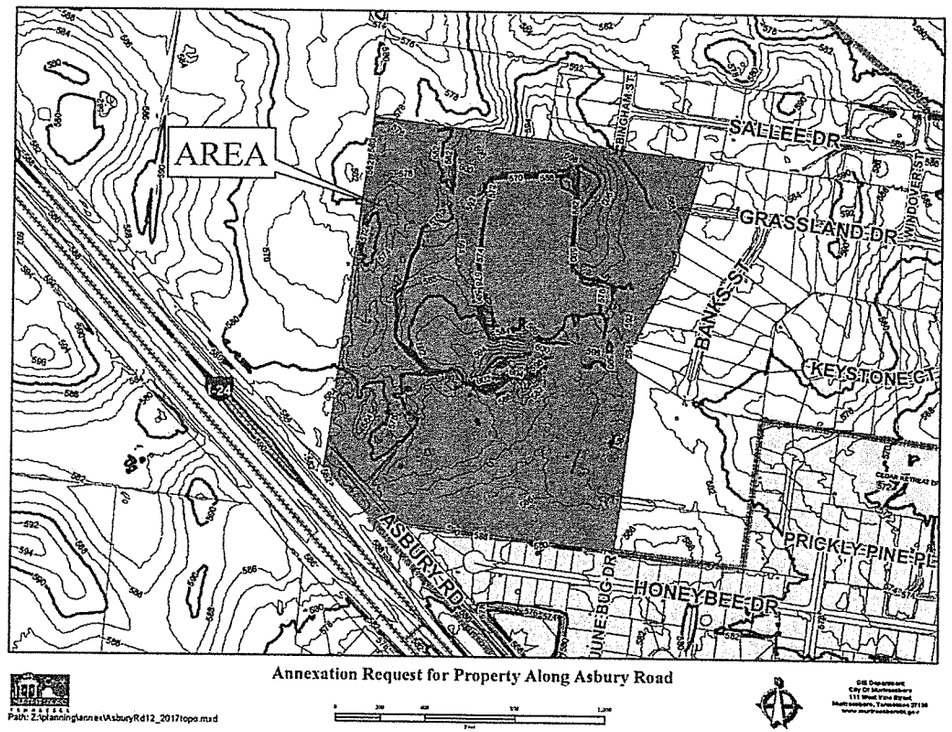
No new public drainage facilities are included in the study area. Stormwater that drains to the west flows towards an existing depression located on the site. Stormwater that drains to the east flows toward the adjacent properties to the east of the site. Any new public drainage facilities proposed to serve the study area in the future must meet City standards.

A review of the regional drainage patterns indicates the Study Area and adjacent properties are controlled by karst-like drainage conditions. An existing quarry dominates the topography. A review of the 2010 aerial photography following the significant rainfall events of May 1 and 2 confirms the presence of quarry with standing water 2 days after the rainfall stopped.

No portion of the property is within the floodplain. The Study Area ultimately drains to Overall Creek approximately 1 mile east. This distance and the intervening terrain precludes a traditional surface drainage system from being practical to serve the Study Area.

PROPERTY AND DEVELOPMENT

A review of a topographic map shows that the western portion of the property drains to internal closed depression located along the westernmost side property line, while the eastern portion drains to the existing quarry and adjacent Youngstown subdivision along the easternmost side property line. Historical aerial photography does indicate significant areas of ponded water following rain events. The pond/quarry will be treated as offsite discharge. A state permit (Underground Injection Control permit) will be required. Future development plans should address the existing drainage conditions. New development on the property must meet overall City of Murfreesboro Stormwater Quality requirements. Impacts on adjacent properties should also be considered in future development plans to ensure no net impact.



Annexation Request for Property Along Asbury Road

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.