

MINUTES OF THE MURFREESBORO PLANNING COMMISSION FEBRUARY 3, 2021

MEMBERS PRESENT

Kathy Jones, Chair
Ken Halliburton, Vice-Chair
Jennifer Garland (**Virtual**)
Rick LaLance
Chase Salas
Warren Russell
Shawn Wright

STAFF PRESENT

Greg McKnight, Planning Director
Matthew Blomeley, Assistant Planning Director
Amelia Kerr, Planner
Holly Smyth, Principal Planner
Brad Barbee, Planner
Carolyn Jaco, Recording Assistant
David Ives, Deputy City Attorney
Sam Huddleston, Dev't Services Exec. Director

Chair Kathy Jones called the meeting to order after determining there was a quorum. She explained that, in accordance with the Executive Order of the Governor, one member of the Planning Commission (Ms. Jennifer Garland) would be participating electronically. All votes would be conducted by roll call. Continuing, Chair Jones recognized Planning Commission Mr. Rick LaLance as our newest Planning Commissioner.

Chair Kathy Jones asked for a motion to be made to approve the minutes of the January 20, 2021 Planning Commission meeting.

Vice-Chairman Ken Halliburton a motion to approve the minutes from January 20, 2021, seconded by Mr. Warren Russell.

Upon roll call, the motion carried by the following vote:

**Aye: Jennifer Garland
Ken Halliburton
Warren Russell
Chase Salas
Shawn Wright
Rick LaLance
Kathy Jones**

Nay: None

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Public Hearing:

Zoning application [2020-422] for approximately 1.28 acres located along South Bilbro Avenue and East State Street to be rezoned from RS-8 and CCO to PRD (The Row on Bilbro PRD) and CCO, Blue Sky Construction, Inc. applicant.

Ms. Amelia Kerr came forward to make known the development would have direct access to East State Street and South Bilbro Avenue. The proposed development would include 3 buildings with two-story townhouse units. Each of the 11 units facing South Bilbro Avenue and East State Street would be 3-bedroom units having rear-entry, two-car garages and roof top patios. The 7 units in the rear of the development would each have 2-bedrooms, a rear patio with a storage room, and surface parking. Garage parking for the development is required to meet minimum parking requirements. The development includes five (5) additional surface parking spaces for guests. The number of guest parking spaces was increased based on the discussion at the last Planning Commission meeting. Primary exterior materials would be painted brick with metal awnings at entrances and cementitious siding for the rooftop patio access projection. Minimum building setbacks for the development would be 8' feet on the fronts along both South Bilbro Avenue and East State Street and 10' feet on the north and east sides abutting single-family residential zoning. The open space and formal open space calculations have been updated since the last Planning Commission meeting. The applicant's pattern book states that the development would include approximately 27% of the total lot as open space. The site is required to contain 5% formal open space, and the applicant is proposing approximately 8% formal open space. The formal open space internal to the site consists of a courtyard seating area with a stamped concrete patio, an arbor with a fire pit, and enhanced landscaped areas within the open space grass island.

The future land use map contained in the *Murfreesboro 2035 Comprehensive Plan*, which was adopted in July 2017, recommends that the subject property develop with a *Suburban Residential* land use character. This classification intends to serve as a transition from urban to rural residential development and is predominantly located along the periphery of the City. The comprehensive

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plan calls out RS-15, RS-12, and RS-10 as existing zoning districts that are compatible with this designation. 2.0-3.54 dwelling units per acre is the recommended density. While single-family attached residential uses are consistent with the *Suburban Residential* land use character in certain circumstances, the more intense single family residential attached use that is proposed -- at 14.0 dwelling units per acre -- is not consistent with the vision for the *Suburban Residential* land use character. The Planning Commission will need to determine whether this is an appropriate instance to deviate from the recommendations of the future land use map.

Staff is supportive of this rezoning request, including the deviation from the future land use map, for the following reasons:

- 1) the proposed residential land use will be compatible with the surrounding residential land uses;
- 2) compact, dense development is desirable in and around downtown and promotes walkability; and
- 3) the proposed development will contribute to the vitality and quality of life of the downtown, continuing the positive trend toward reinvestment in the area.

While Staff is generally supportive of the application and of the land use, several opportunities to improve the application have been identified, including the following:

- Adding the landscape island back to the row of parking spaces in front of the fire pit, which would help to both break up this row of parking spaces and to add an additional barrier for safety purposes between the seating area and the parking lot.
- Increasing the amount of “step-up” at the front of the units in order to increase the amount of privacy for the future residents; and
- Using stamped concrete for all sidewalks in the proposed formal open space area in order to formalize this area and to differentiate it from the rest of the site.

The following exceptions to the standard RS-A, Type 3 zoning regulations are proposed:

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1. front setback to be 8' along South Bilbro Avenue as opposed to the 20' setback (based on the average of the front setbacks on the same block face);
2. front setback to be 8' along East State Street as opposed to the required 16' setback (based on the average of the front setbacks on the same block face);
3. rear setback to be a minimum of 10' along the east lot line as opposed to the 20' required;
4. a reduction in the required 18" "step-up" at the front elevations to a 6" "step-up" (RS-A, Type 3 townhomes are required to have a minimum finished floor elevation of 18" above grade when the front setback is less than 30');
5. an exception to allow the use of solid waste cart valet garbage service in lieu of the required Dumpster. Staff has discussed this request and believes a Dumpster instead of the solid waste cart valet garbage service could be more appropriate.
6. an exception to allow a Type B buffer with a 10-foot privacy fence in lieu of a Type D buffer adjacent to single-family residential zoning; and
7. to allow 13 parking spaces in a row without a landscape island as opposed to the standard maximum of 12.

Mr. Clyde Rountree and Mr. Brian Burns were in attendance for the meeting. Mr. Rountree explained that Mr. Burns had purchased 5 continuous lots. The properties had previously been owned as rental property. Continuing, Mr. Rountree explained that the properties have infrastructure already in place, and the proposed development would be within the City Core Overlay district meeting all guidelines. Lastly, there are no issues regarding the sewer allocation restrictions for this area.

Mr. Rountree began a PowerPoint presentation from the applicant's pattern book to explain the proposed development. He stated that the applicant has requested flexibility regarding the proposed solid privacy fence to change it to a metal fence that would be placed along the property line. Originally, the applicant had provided information for a solid privacy fence along the property line. Now, the applicant would like consideration for a wrought iron metal fence with

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the buffer along the back property line. Mr. Burns is committed in securing the entire development.

Mr. Brian Burns stated that he wanted to keep the existing large trees that are on these properties. He feels the solid privacy fence would not work well with the large trees. He prefers to place a wrought iron fence to save as many mature trees as possible.

Mr. Matthew Blomeley stated for clarification that the applicant's pattern book specifically states there will be a solid privacy fence.

Chair Kathy Jones opened the public hearing.

1. **Ms. Tara Syester, 224 South Bilbro Avenue (virtual)** – asked if this development would be a gated community or open to anyone? Currently, there are squatters coming and going into the existing houses on the properties later in the evenings. Also, there is a lot of trash on the properties which needs to be cleaned up.

Ms. Syester had submitted several photos by email to staff that showed the current condition of the properties which have dilapidated buildings and debris across the properties. These photos were provided to the Planning Commission members.

2. **Mr. Paul Brothers, 220 First Avenue (virtual)** – stated that attached housing would not be conducive to the historic single-family homes in their neighborhood. He stated how the downtown area is at capacity in population. If this type of development is approved, it would provide housing for families with small children. This would increase the downtown population and jeopardize the safety and security for the older population. In addition, the development would create noise, vehicles speeding along State Street, affect the value of homes, increase the crime rate, etc. which would not be safe or reasonable. He requested that additional study be completed to make known how these types of developments address his concerns. Lastly, he requested for the developer to consider single-family homes, duplexes, or commercial properties.

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Chair Kathy Jones closed the public hearing.

Chair Jones requested for Mr. Brian Burns to come forward to address the issues from that were made from the residents in this area. Mr. Brian Burns came forward stating he has begun the process to obtain demolition permits for the properties. Weather permitting, the homes should be demolished within the next two weeks. Once all the structures are removed there should not be any trash on the properties. Continuing, Mr. Burns made known the proposed development would not be a gated community. He feels that people want to see the downtown area be revitalized. The proposed development should improve the area and it could help increase the home values for the nearby residential properties.

Vice-Chairman Ken Halliburton wanted to know what would be the price points for the development? Mr. Burns made known the two-bedroom units would be around \$249,000 and the three-bedrooms units with the rooftop patios would be around \$320,000.

Mr. Rick LaLance expressed his concerns regarding the setbacks and the questionable buffer due to not knowing if any of the existing trees could be saved. Also, due to the setbacks Mr. LaLance stated that he did not want the rooftop patio overlooking onto Mr. Brothers' back yard. Mr. Brian Burns explained the rooftop patio would include a 6-foot wall. In addition, the rooftop patio would include several amenities such as green turf, a fireplace, and grills.

Chair Kathy Jones asked if the units could be raised up to 18 inches. Mr. Brian Burns explained that the property is flat, and the units would be raised from grade 8-10 inches from the sidewalks. Chair Jones asked if there would be handicap parking, in which Mr. Blomeley stated it is not required unless there is an accessible unit. Chair Jones commented that Staff has requested for the landscaping island to be placed in front of the fire pit/formal open space to help break up the long parking area. Mr. Burns stated he was indifferent to that request.

Chair Jones requested for the Planning Commission to discuss the request for a Dumpster instead of carts. Mr. Burns stated he prefers carts due to the potential of non-residents using the

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Dumpster. The solid waste for the carts would be picked up by a valet service/private hauler. This would be managed by a Homeowners Association. Mr. Clyde Rountree came forward to explain the layout for the solid waste carts and where they would be stored at each unit. In addition, a solid waste area for a Dumpster enclosure has been allocated if necessary, as an alternative. Ms. Amelia Kerr came forward stating that a Dumpster enclosure has been provided in case the solid waste carts did not work. Mr. Shawn Wright and Mr. Rick LaLance agreed that a Dumpster would become problematic for this development.

Mr. Rick LaLance expressed his concerns how this development had too many units being placed on the property. This is a place for density; however, if the density was reduced, he would feel more comfortable. Mr. Brian Burns stated how this property was in ruin, and to revitalize in this area, density is important. Continuing, Mr. Burns stated how this development being close to East Main Street would encourage nice developments like what he is proposing, not just rental properties.

Vice-Chairman Ken Halliburton commented on how this project would benefit Murfreesboro. This would set the precedent in the downtown area. There is not a lot of land in the downtown area for this type of project.

Mr. Shawn Wright agreed and commented on this being a positive improvement for Murfreesboro.

Mr. Warren Russell commented this project would bring improvements to the area. He opposes a Dumpster being placed at this development. He likes the development and prefers carts to be provided with a private hauler.

Mr. Rick LaLance agreed this development is an improvement to the area, and it would provide a lot of good things for the area.

Ms. Jennifer Garland requested for stamped concrete be included around the gazebo and firepit area. The sidewalks should remain smooth.

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Vice-Chairman Ken Halliburton made a motion to approve subject to the following conditions:

- The plan as submitted without a Dumpster;
- Stamped concrete at the gazebo and firepit area;
- An extra parking space instead of the parking island;
- The privacy fence as indicted in the applicant's pattern book.

The motion was seconded by Mr. Shawn Wright.

Upon roll call, the motion carried by the following vote:

**Aye: Jennifer Garland
Ken Halliburton
Warren Russell
Chase Salas
Shawn Wright
Kathy Jones
Nay: Rick LaLance**

Plats and Plans:

Caroline Farms, Section 2 [2020-2071] amended final plat for 50 lots on 12.2 acres zoned PRD located along Caroline Farms Drive, Caroline Farms, LLC developer. Mr. Matthew Blomeley began by explaining the amended plat includes a proposed right-of-way for Quarter Horse Drive, which is a proposed three-lane roadway depicted on the 2040 Major Transportation Plan. This right-of-way, which was not shown on the previously-approved version of this plat, would provide a north-south connector from West Thompson Lane to the proposed Cherry Lane. The City has been working in conjunction with the developer of Caroline Farms to establish this roadway to be consistent with the Major Transportation Plan. This right-of-way has always been envisioned to be included as part of the Caroline Farms development. Staff recommends approval of the amended final plat. The developer is ready to record the amended plat immediately upon

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Planning Commission approval and then obtain building permits for the construction of new homes.

Mr. Warren Russell made a motion to approve subject to all staff comments, seconded by Mr. Chase Salas.

Upon roll call, the motion carried by the following vote:

**Aye: Jennifer Garland
Ken Halliburton
Warren Russell
Chase Salas
Shawn Wright
Rick LaLance
Kathy Jones**

Nay: None

Prologis [2021-3013] site plan for 357,925 ft² warehouse/distribution building and 11,880 ft² vehicle maintenance building on 77.7 acres zoned L-I located along Elam Farms Parkway north of Joe B Jackson Parkway, Prologis developer. Ms. Amelia Kerr explained the site plan

review is for a 357,925 square-foot warehouse/distribution building and an 11,880 square-foot vehicle maintenance building located along Elam Farms Parkway, just north of Joe B Jackson Parkway. The property is zoned L-I (Light Industrial District). The total site is 77.65 acres and is proposed to have access to Elam Farms Parkway as well as a new public roadway along the southern property line to be constructed and dedicated with this plan.

In June 2020 a plan for this site was approved for a 1,244,493 square-foot speculative industrial warehouse. The primary differences with this plan are:

- the reduction in the size of the facility from 1,244,493 to 357,925 sq. ft.;
- the addition of an 11,880 sq. ft. vehicle maintenance building;
- an increase of the number of trailer parking spaces from 252 spaces to 580 spaces;
- an increase in the number of employee parking spaces from 212 spaces to 805 spaces;

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- an increase in the distance from the PRD zone property lines on the west side of the site to the pavement of the proposed development from 48' to 215';
- fencing changed from 8' black vinyl chain link fence along the north, south, and east elevations and vinyl fence along the west property line adjoining the PRD zone to a decorative, industrial picket style security fencing.
- the inclusion of 3,500' of concrete masonry sound walls on the north, east, and west property borders.

In order to comply with the City's Noise Ordinance (55 dBA day/48 dBA night maximum noise levels), given the proximity of existing or proposed residential uses, an acoustical analysis was conducted. The study assumed that trucks would deliver packages to and from the facility 24 hours a day, which would contain an interior conveyor system that would sort incoming packages and load them into outgoing trailers and vans. Doors to the facility would typically be closed, and sound produced by activities and equipment inside the building and transmitted to the community would be negligible. The major sources of noise are trucks entering and leaving the property, linehaul trucks dropping and removing trailers, trailers being maneuvered by a switcher tractor, and back-up alarms. Only one 1850'-long concrete sound wall 20' in height would be required along the west side of the site to comply with the City's Noise Ordinance. However, the applicant voluntarily proposes a stricter design standard based on their knowledge and existing low background sound levels in the area. Their standard would install a 'Dura-Crete' concrete sound wall on the westerly side to be 20'-tall x 2000'-long, add a 10'-tall x 400'-long wall along the northerly border, and a 12'-tall x 1120'-long wall along the easterly border as shown in the submittal packet.

Revised plans were submitted 1-29-2021 and had been included in the agenda packet. Staff recommends that the Planning Commission approve the site plan subject to all staff comments. All remaining staff comments would be addressed with the design team upon Planning

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Commission approval. Ms. Kerr made known that the Prologis design team was available (some in person and some virtually) to address any questions.

Vice-Chairman Ken Halliburton had questions regarding the proposed berm to be located by the sound wall.

Ms. Kerr explained that the 20-foot-wide berm with Type E landscaping will be placed along the back side of the 12-foot-tall wall located on the western side of this site. In addition, a fence would be placed around the detention pond. She explained that the applicant has exceeded the requirements by adding the sound wall with Type E landscaping along the north and east lot lines.

Mr. Rick LaLance made known that he had received an email from a resident stating that loud equipment and machinery was working at this site as early as 6:30 a.m. He requested for this to be addressed.

Mr. Mike Carrico, with Prologis, said he would speak with the contractor immediately to verify the hours permitted for construction.

Mr. Warren Russell asked for additional information regarding the additional eight-foot fence.

Mr. Carrico stated this site would include a 20-foot-tall sound barrier to secure the retention area. The eight-foot-tall decorative wrought iron picket fence would tie into the sound wall and retention area.

Mr. Russell asked if this was a speculative warehouse.

Mr. Carrico answered no, it was for Fed-Ex distribution.

Vice-Chairman Ken Halliburton made a motion to approve subject to all staff comments, seconded by Mr. Warren Russell.

Upon roll call, the motion carried by the following vote:

**Aye: Jennifer Garland
Ken Halliburton**

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Warren Russell

Chase Salas

Shawn Wright

Rick LaLance

Kathy Jones

Nay: None

Staff Reports and Other Business:

Mr. Matthew Blomeley stated when the plat for Westlawn Commercial had been approved and recorded, street naming issues pertaining to the realignment of Shores Road had not been resolved with Rutherford County. Staff did not want to duplicate the Shores Road street name until the Rutherford County Road Board could address this matter. On Monday morning, February 1, 2021, the Road Board renamed the remnant segment of Shores Road to Birchtree Drive. Mr. Blomeley requested for the Planning Commission to vote on naming the new segment of roadway as “Shores Road.”

Vice-Chairman Ken Halliburton made a motion to approve the naming of the new segment of roadway “Shores Road”, seconded by Mr. Shawn Wright.

Upon roll call, the motion carried by the following vote:

Aye: Jennifer Garland

Ken Halliburton

Warren Russell

Chase Salas

Shawn Wright

Rick LaLance

Kathy Jones

Nay: None

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There being no further business the meeting adjourned at 7:45 p.m.

Chair

Secretary

GM: cj