

ORDINANCE 2012-58

TO BE ENTITLED, "AN ORDINANCE TO REVOKE THE PLANNED UNIT DEVELOPMENT FOR CAROTHERS PROFESSIONAL CENTER PUD SUBDIVISION ON 7.13 ACRES LOCATED SOUTH OF LIBERTY PIKE BETWEEN EDWARD CURD LANE AND CAROTHERS ROAD."

WHEREAS, a Planned Unit Development (PUD) was approved for an office development on Liberty Pike between Edward Curd Lane and Carothers Road in December 2007 by the Board of Mayor and Aldermen; and

WHEREAS, the owners of the property now wish to develop the site in a different manner than is shown on the approved PUD Concept Plan and have submitted a request to dissolve the PUD approved in 2007; and

WHEREAS, the property is zoned General Office (GO), which provides certain zoning restrictions that will remain after the revocation of the Carothers Professional Center PUD; and

WHEREAS, the Board of Mayor and Alderman believe it to be in the best interest of the City of Franklin to revoke the PUD Concept Plan.

SECTION I: BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that the Carothers Professional Center Planned Unit Development, for the property described herein below, shall be, and is hereby, revoked:

Commencing at the west right-of-way line of Carothers Road and the south right-of-way line of Liberty Pike; which is also the northeast corner of Parcel 40.07, Map 79, all parcels being referenced to Tennessee State Board of Equalization Maps, as may be revised, which is also the point of beginning.

Map-Parcel	Acres
79 – 40.07	7.13
Total	7.13

SECTION II: BE IT FURTHER ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that the Concept Plan, the exhibits accompanying the Concept Plan, and all conditions and restrictions placed upon the Concept Plan by the Franklin Municipal Planning Commission and the Board of Mayor and Aldermen in conjunction with Ordinance 2006-89, shall be revoked by this Ordinance.

SECTION III: BE IT FURTHER ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that the attached Location Map shall serve the purpose of delimiting the geographical boundaries as described by this Ordinance.

SECTION IV: BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Ordinance shall take effect from and after Third and Final Reading.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

BY: _____
ERIC S. STUCKEY
CITY ADMINISTRATOR

BY: _____
DR. KEN MOORE
MAYOR

PLANNING COMMISSION RECOMMENDED:

11/15/12

FIRST READING:

11/27/12

PUBLIC HEARING HELD:

SECOND READING:

THIRD AND FINAL READING:

REC'D NOV 01 2012



BancorpSouth

October 31, 2012

Ms. Catherine Powers
Director of Planning and Sustainability
City of Franklin
109 3rd Avenue South
Franklin, Tennessee 37064

RE: Request for Dissolving
Existing Concept PUD Plan
Property Located at the SWC of
Carothers Parkway and Liberty Pike
Tax Map 79, Parcel 40.07

Dear Ms. Powers,

Bancorp South is the current owner of ± 7.1249 acres of vacant land situated at the southwest corner of Carothers Parkway and Liberty Pike, in Franklin, Tennessee and being further identified as Tax Map 79, Parcel 40.07. The property is currently zoned GO, General Office and lies within the McEwen Character Area Overlay. In ± 2007 , the City of Franklin approved a Concept PUD Plan recognized as The Carothers Professional Center. It is our opinion that this Plan is not feasible to develop as approved given current market conditions. Therefore we are formally requesting the City of Franklin Planning Commission and Board of Mayor and Alderman dissolve the Concept PUD Plan as approved for this property. We appreciate your consideration of this request.

Sincerely,

Chris P Marchetti
Senior Vice President
Bancorp South Bank
5127 Maryland Way
Brentwood, TN 37027
615-370-2266

OWNER AFFIDAVIT
City of Franklin, Tennessee

We/ BancorpSouth Bank

(Please print Name/Names in Full)

being duly sworn, depose and say(s) that (I am)/(we are) the owner(s) of the property described as:

Map- 79 Parcel-40.07

(Property Parcel/Tax ID Number)

and located at:

Southwest Corner of Carothers Pkwy and Liberty Pike Franklin, TN

(Street Address)

am fully aware of the request for development approval in the City of Franklin, Tennessee. Furthermore, (I) (we) hereby appoint

Civil and Enviromental Consultants Inc.

(Please print Name/Names in Full)

to act as my/our authorized agent on my/our behalf on all matters pertaining to the processing and obtaining the application with the exception of legal documents for recording purposes.

Signature

5217 Maryland Way
Property Owner Mailing Address

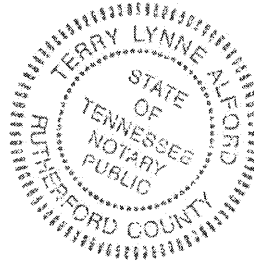
Brentwood, TN 37027
City, State & Zip

Subscribed and sworn to before me this

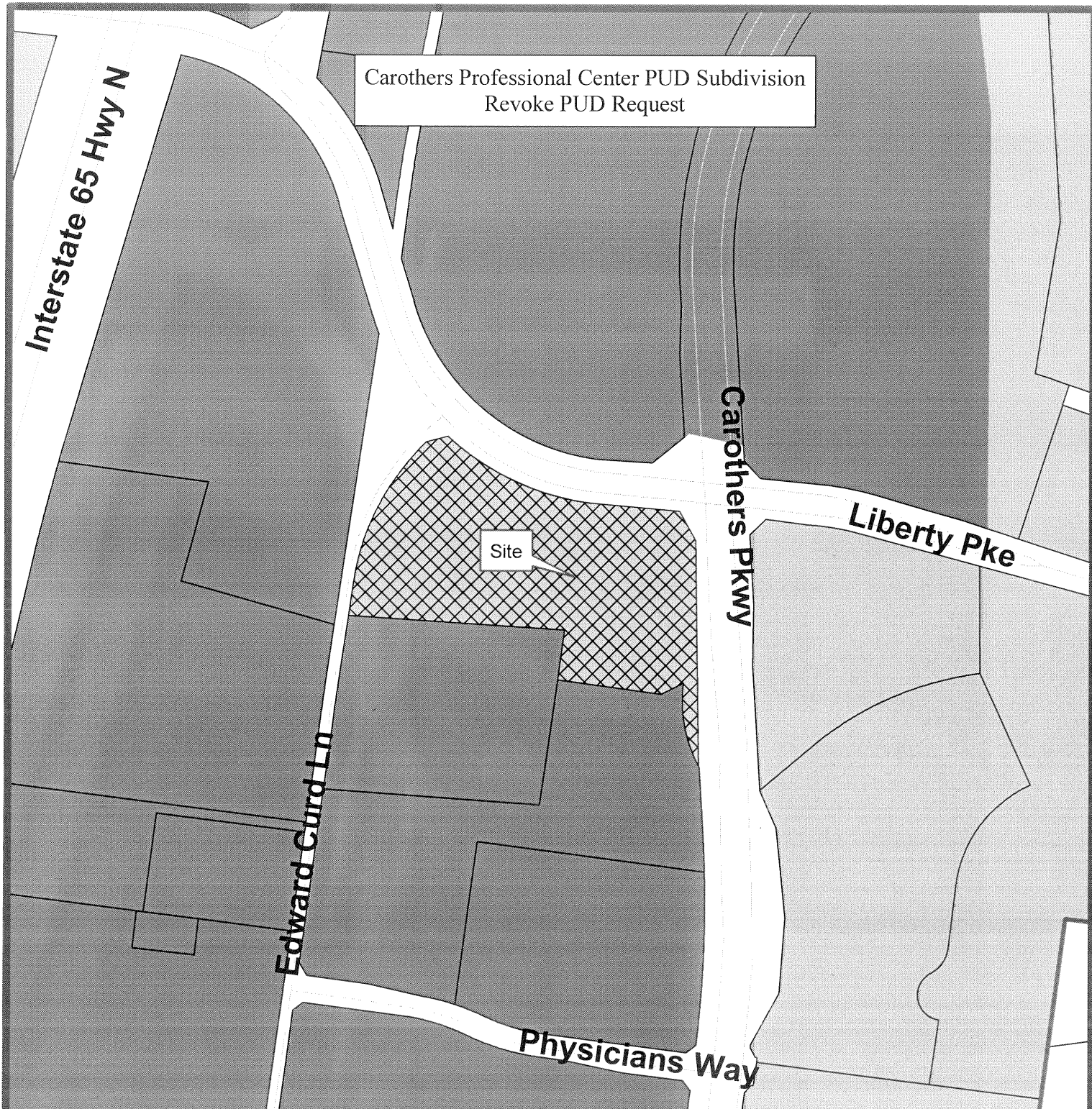
30 day of Oct, 2012

Terry Lynne Alford
Notary Public

My Commission Expires: 8/15/2015



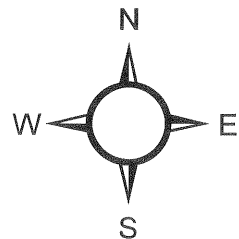
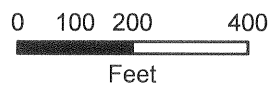
Carothers Professional Center PUD Subdivision
 Revoke PUD Request



Legend

- | | |
|---|-------------------------------------|
| Carothers Professional Center PUD Subdivision | GO General Office District |
| Zoning | CC Central Commercial District |
| AG Agricultural District | NC Neighborhood Commercial District |
| ER Estate Residential | GC General Commercial District |
| R-1 Residential District | MN Neighborhood Mixed-Use District |
| R-2 Residential District | ML Local Mixed-Use District |
| R-3 Residential District | MX Regional Mixed-Use District |
| Historic Core Residential District | LI Light Industrial District |
| RX Residential Variety | HI Heavy Industrial District |
| OR Office Residential District | CI Civic and Institutional District |

This map was created by the Franklin Planning Department. It was compiled from the most authentic information available. The City is not responsible for any errors or omissions contained herein. All data and materials (c) copyright 2012. All rights reserved.





MEMORANDUM

November 19, 2012

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator *ES*
Vernon Gerth, Assistant City Administrator for Community and Economic Development
Catherine Powers, Planning and Sustainability Director

SUBJECT: Ordinance 2012-58, an ordinance to revoke the Carothers Professional Center Planned Unit Development

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information regarding an ordinance to revoke the Carothers Professional Center Planned Unit Development.

Background

In December 2007, the Board of Mayor and Aldermen approved an ordinance to create a Planned Unit Development (PUD) Subdivision called Carothers Professional Center, which was entitled for 107,000 square feet of nonresidential development. Although site plans were approved in February 2008, construction on this site has never been initiated and the site remains vacant/unimproved. The current owners of the property, Bancorp South Bank, have requested that the existing, approved Carothers Professional Center PUD Subdivision be revoked.

The property is currently zoned General Office (GO) and can be developed as office, with the by-right zoning restrictions. Staff has met preliminarily with an applicant that is interested in developing an office-type use on a portion of this site; however, since the newly proposed layout does not conform to the approved PUD, the property owners must either request a revision to the PUD with a new layout, or request that the PUD be revoked. The property owners have chosen to request the PUD be revoked in order to provide more flexibility in developing the remainder of the site with by-right zoning restrictions, rather than through the PUD process. In December 2011, the BOMA revoked a PUD for the Waterford Crest PUD Subdivision under similar circumstances.

This ordinance was favorably recommended to the BOMA by the Planning Commission with a 7-0 vote at the November 15, 2012, FMPC Meeting.

Financial Impact

Not applicable to this item.

Options

Not applicable to this item.

Recommendation

Approval of Ordinance 2012-58 is recommended.