

ORDINANCE 2013-16

TO BE ENTITLED "AN ORDINANCE TO REZONE +/- 57.23 ACRES FROM AGRICULTURAL (AG) DISTRICT TO RESIDENTIAL VARIETY (RX) DISTRICT FOR THE PROPERTIES LOCATED SOUTH OF SOUTH CAROTHERS ROAD, NORTH OF THE HARPETH RIVER, AND ALONG THE PROPOSED SOUTH CAROTHERS PARKWAY (4419 SOUTH CAROTHERS PARKWAY)."

SECTION I: BE IT ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that the following described property shall be, and are hereby, rezoned from its present zoning classification of Agricultural District (AG) to Residential Variety District (RX):

Zoning Reference Number: 13-07:

Map-Group-Parcel	Acres
089---05001	±33.68
106---18121	±23.55
TOTAL	±57.23

LAND DESCRIPTION - AREA 1
HELMS PROPERTY
TAX MAP 089 PARCEL 50.01

Beginning at a 5/8" diameter iron rebar new with yellow Gresham Smith and Partners cap (N:565,194.820 E:1,726,428.758) in the easterly line of said property and the westerly right-of-way line of the proposed South Carothers Parkway, Deed Book 4971, Page 337, (R.O.W.C.);

Thence, North 09 Degrees 45 Minutes 50 Seconds East 552.22 feet to a 1/2" diameter iron rebar existing, and the southwest corner of the Lillian M. Helm's property, Quit Claim Deed 5616, Page 864(R.O.W.C.);

Thence, with the southerly and easterly lines of the Lillian M. Helms property, the following two (2) calls and distances:

1. South 82 Degrees 48 Minutes 45 Seconds East 196.86 feet to a 1/2" diameter iron rebar existing with a RGB RLS #763 cap;
2. North 10 Degrees 24 Minutes 31 Seconds East 140.71 feet to a 1/2" diameter iron rebar existing with a RGB RLS #763 cap southwest corner of John T. Helm, IV's property, Deed Book 563, Page 726 (Tax Map 89 Parcel 50.02);

Thence with said line the following three (3) calls and distances:

1. North 86 Degrees 27 Minutes 36 Seconds East 247.57 feet to a 1/2" diameter iron rebar existing;

2. North 06 Degrees 06 Minutes 26 Seconds East 256.56 feet to a ½" diameter iron rebar existing;
3. North 06 Degrees 06 Minutes 26 Seconds East 20.72 feet to a point in the centerline of the existing South Carothers Road;

Thence, in an easterly direction with the centerline of South Carothers Road, the following four (4) calls and distances:

1. South 82 Degrees 43 Minutes 27 Seconds East, 189.73 feet;
2. South 80 Degrees 57 Minutes 44 Seconds East, 26.87 feet;
3. South 79 Degrees 40 Minutes 38 Seconds East, 18.18 feet;
4. A curve to the right, with a radius of 350.44 feet, an arc length of 122.30 feet, and having a chord bearing and distance of South 69 Degrees 40 Minutes 47 Seconds East, 121.68 feet;

Thence, leaving the centerline of South Carothers Road, with the easterly boundary line of said property, South 05 Degrees 28 Minutes 02 Seconds West 25.00 feet to a ½" diameter iron rebar new with yellow Gresham Smith and Partners cap, a common corner with the James R. Southerland property, Deed Book 1645, Page 827 (R.O.W.C.);

Thence with said line South 05 Degrees 28 Minutes 02 Seconds West 372.82 feet to a 1" diameter iron pipe existing, a common corner with the Henry M. Small property, Deed Book 774, Page 756 (R.O.W.C.);

Thence with said line South 06 Degrees 03 Minutes 44 Seconds West, 490.02 feet to a 5/8" diameter iron rebar existing, a common corner with the James E. Emery & Edith Emery property, Deed Book 5410, Page 557 (R.O.W.C.);

Thence with said line the following three (3) calls and distances:

1. South 05 Degrees 53 Minutes 00 Seconds West 169.70 feet to the center of a 24" diameter Hackberry tree;
2. South 82 Degrees 31 Minutes 43 Seconds East 20.74 feet to a ½" diameter iron rebar new with yellow Gresham Smith and Partners cap;
3. South 05 Degrees 31 Minutes 02 Seconds West 360.00 feet to a 1" diameter iron rebar existing, a common corner with the Jerry Maxwell Martin property, Deed Book 331 Page 890 (R.O.W.C.);

Thence with said line South 05 Degrees 31 Minutes 01 Seconds West 294.49 feet to a 5/8" iron rebar existing, a common corner with the Larry M. Moore property, Deed Book 1341, Page 988 (R.O.W.C.);

Thence with said line the following three (3) calls and distances:

1. South 05 Degrees 39 Minutes 20 Seconds West 314.97 feet to a 5/8" diameter iron rebar existing;
2. South 05 Degrees 39 Minutes 18 Seconds West 96.49 feet to a ½" diameter iron rebar new with yellow Gresham Smith and Partners cap;
3. North 86 Degrees 40 Minutes 06 Seconds East 66.38 feet to a ½" diameter iron rebar new with yellow Gresham Smith and Partners cap (witness corner), passing through this

point, North 86 Degrees 40 Minutes 07 Seconds East 24.37 feet to a point in a creek common corner with Thomas P. Seigenthaler property, Deed Book 332, Page 329 (R.O.W.C.);

Thence with said line South 03 Degrees 28 Minutes 42 Seconds West 458.64 feet to an existing 1" pipe (witness corner), passing through this point, South 03 Degrees 28 Minutes 41 Seconds West, 37.32 feet for a total distance of 495.96 feet to a point in the Harpeth River in the line of Trillium Farms LP;

Thence with said line, North 87 Degrees 16 Minutes 28 Seconds West 162.30 feet to a ½" diameter iron rebar new with yellow Gresham Smith and Partners cap in the westerly right-of-way line of the proposed South Carothers Parkway;

Thence, with the westerly line of said right-of-way, the following four (4) calls and distances;

1. North 21 Degrees 06 Minutes 03 Seconds West, 1614 feet, to a ½" diameter iron rebar new with yellow Gresham Smith and Partners cap;
2. North 28 Degrees 28 Minutes 57 Seconds East, 38.56 feet to a ½" diameter iron rebar new with yellow Gresham Smith and Partners cap;
3. North 21 Degrees 06 Minutes 03 Seconds West, 120.00 feet to a ½" diameter iron rebar new with yellow Gresham Smith and Partners cap;
4. North 70 Degrees 41 Minutes 02 Seconds West, 16.08 feet to the Point of Beginning.

The above description contains 1,466,999 sq. ft. (+/-) or 33.68 acres (+/-) according to survey data prepared by Gresham Smith and Partners, 511 Union Street, Nashville, Tennessee 37219-1733, Kenneth D. Church, TN RLS #1004 on October 4th, 2012. Source of North is per Tennessee Grid North (NAD 1983).

LAND DESCRIPTION - AREA 2
HELMS PROPERTY
TAX MAP 106 PARCEL 181.21

Beginning at a 5/8" diameter iron rebar new with yellow Gresham Smith and Partners cap (N:564,903.569 E:1,726,383.638) at the northwest corner of said property and the westerly right-of-way line of the proposed South Carothers Parkway, Deed Book 4971, Page 337, (R.O.W.C.);

Thence, with the westerly line of said right-of-way, South 21 Degrees 06 Minutes 01 Seconds East 1532.13 feet to a 5/8" diameter iron rebar new with yellow Gresham Smith and Partners cap, and the northwest corner of the Trillium Farm's, LP property, (R.O.W.C.);

Thence, South 11 Degrees 35 Minutes 23 Seconds West 328.25 feet to a point on the centerline of the Big Harpeth River, passing through a 5/8" iron rebar new with yellow Gresham Smith and Partners Cap at 275.00 feet:

Thence, in a southwesterly direction with the centerline of the Big Harpeth River, the following nineteen (19) calls and distances with the centerline dated 10/03/12 by GPS:

1. South 54 Degrees 55 Minutes 33 Seconds West 76.91 feet;
2. South 47 Degrees 00 Minutes 04 Seconds West 59.25 feet;
3. South 63 Degrees 38 Minutes 23 Seconds West 138.06 feet;

4. South 66 Degrees 13 Minutes 48 Seconds West 71.41 feet;
5. South 66 Degrees 54 Minutes 14 Seconds West, 71.41 feet;
6. South 65 Degrees 15 Minutes 48 Seconds West 34.43 feet;
7. South 85 Degrees 49 Minutes 26 Seconds West 41.43 feet;
8. North 84 Degrees 59 Minutes 10 Seconds West 45.13 feet;
9. North 83 Degrees 09 Minutes 51 Seconds West 45.98 feet ;
10. North 76 Degrees 04 Minutes 55 Seconds West 45.39 feet ;
11. North 74 Degrees 54 Minutes 04 Seconds West 83.60 feet ;
12. North 71 Degrees 55 Minutes 55 Seconds West 116.81 feet ;
13. North 84 Degrees 39 Minutes 26 Seconds West 32.12 feet ;
14. North 65 Degrees 42 Minutes 28 Seconds West 39.63 feet ;
15. North 69 Degrees 16 Minutes 48 Seconds West 54.81 feet ;
16. South 89 Degrees 16 Minutes 31 Seconds West 72.34 feet ;
17. North 81 Degrees 53 Minutes 36 Seconds West 18.69 feet ;
18. South 86 Degrees 44 Minutes 43 Seconds West 26.10 feet ;
19. South 87 Degrees 49 Minutes 59 Seconds West 14.50 feet to a common corner with Carothers Land Co., LLC, Deed Book 4740, Page 414 (R.O.W.C.);

Thence with said line the following eight (8) calls and distances:

1. North 15 Degrees 42 Minutes 34 Seconds East 69.11 feet to a ½” diameter iron rebar existing with RLS 2039 cap;
2. North 15 Degrees 41 Minutes 32 Seconds East 88.47 feet to an existing wood fence post;
3. North 19 Degrees 24 Minutes 24 Seconds East 69.33 feet to an existing wood fence post;
4. North 16 Degrees 34 Minutes 19 Seconds East 263.50 feet to an existing wood fence post;
5. North 37 Degrees 21 Minutes 49 Seconds East 185.81 feet to an existing wood fence post;
6. North 37 Degrees 33 Minutes 54 Seconds East 222.73 feet to an existing wood fence post;
7. North 06 Degrees 59 Minutes 18 Seconds East 716.33 feet to a ½” diameter iron rebar existing with RLS 2039 cap;
8. North 07 Degrees 55 Minutes 21 Seconds East 352.84 feet to a 5/8” diameter iron rebar new with yellow Gresham Smith and Partners cap the Point of Beginning;

The above land description contains 1,025,932 sq. ft. (+/-) or 23.55 acres (+/-) according to survey data prepared by Gresham Smith and Partners, 511 Union Street, Nashville, Tennessee 37219-1733, Kenneth D. Church, TN RLS #1004 on October 4th, 2012. Source of North is per Tennessee Grid North (NAD 1983).

SECTION II: 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 its passage on third and final reading, the health, safety, and welfare of the citizens requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE

BY: _____
ERIC S. STUCKEY
CITY ADMINISTRATOR/RECORDER

BY: _____
DR. KEN MOORE
MAYOR

PLANNING COMMISSION RECOMMENDED APPROVAL:

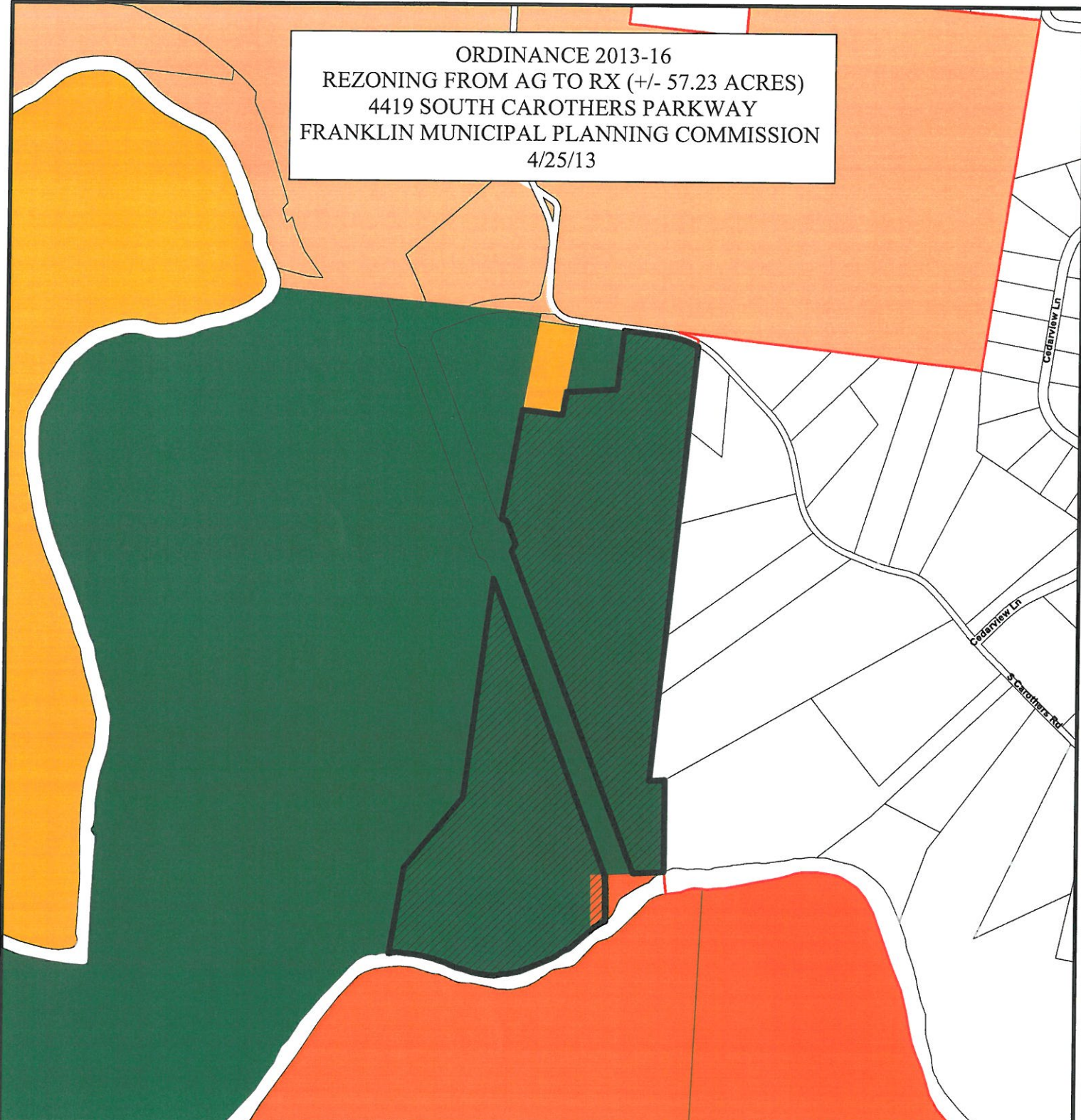
PASSED FIRST READING:

PUBLIC HEARING HELD:

PASSED SECOND READING:

PASSED THIRD READING:

ORDINANCE 2013-16
 REZONING FROM AG TO RX (+/- 57.23 ACRES)
 4419 SOUTH CAROTHERS PARKWAY
 FRANKLIN MUNICIPAL PLANNING COMMISSION
 4/25/13



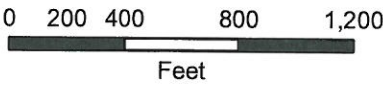
Legend

Helm Tracts

Zoning

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

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HISTORIC
FRANKLIN
TENNESSEE

MEMORANDUM

May 6, 2013

TO: Board of Mayor and Aldermen

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

SUBJECT: Ordinance 2013-16, an ordinance to rezone ± 57.23 acres from Agricultural (AG) District to Residential Variety (RX) District for the properties located south of South Carothers Road, north of the Harpeth River, and along the proposed South Carothers Parkway (4419 South Carothers Parkway)

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information regarding an ordinance to rezone ± 57.23 acres from Agricultural (AG) District to Residential Variety (RX) District for the properties located south of South Carothers Road, north of the Harpeth River, and along the proposed South Carothers Parkway (4419 South Carothers Parkway)

Background

This ordinance was favorably recommended to the BOMA by the Planning Commission with a 7-0 vote at the April 25, 2013, FMPC Meeting. The project information and comments from the FMPC staff report are included below.

PROJECT INFORMATION	
Existing Land Use	Agricultural
Proposed Land Use	Detached and Attached Residential
Existing Zoning	AG
Proposed Zoning	RX
Acreage	57.23 acres
Development Standard	Conventional
Character Area Overlay	MECO-6
Other Applicable Overlays	FFO/FWO

SURROUNDING ZONING AND LAND USE		
Location	Land Use	Zoning
North	Vacant/Single Family Residential	RX
South	Single Family Residential	R-2
East	Single Family Residential	County
West	Agricultural/Vacant	AG



LAND USE PLAN RECOMMENDATIONS

The City of Franklin Land Use Plan provides guiding principles for Infrastructure Supported Growth.

New development creates the need for new infrastructure. The timing and funding of that infrastructure are key aspects of community planning. Many communities provide infrastructure in a reactive way in response to pressures and demand for growth. The policy of the City of Franklin is that —growth should follow the pipe, meaning that infrastructure should be viewed as a growth management tool that helps determine where growth should take place, not as something that occurs after the fact when growth has already occurred. Further, as a general principle, new growth should be responsible for the cost of infrastructure to support that growth. Specifically:

1. New growth should be encouraged in areas where adequate public water, sewers and streets are currently available or are planned.
2. Infrastructure should be viewed as a tool to help manage growth, not as a service that is provided in reaction to growth.
3. New growth should be phased in relation to the city's ability to efficiently provide infrastructure.
4. Minimum density standards should be encouraged where substantial investment in urban-level infrastructure has been made or is planned, thereby encouraging greater use of infrastructure investment.
5. Infrastructure maintenance and upgrades should be encouraged in existing urban areas to support infill development.
6. Fair and predictable standards for the allocation of infrastructure costs between the development community and the city should continue to be implemented.

The McEwen Character Area encompasses 6,680 acres and two major interchanges with I-65: Cool Springs Boulevard and Murfreesboro Road, and part of a third interchange, at Moores Lane. The McEwen Drive interchange is also proposed (now constructed). It is bound on the north by the UGB, to the west by the Berrys Chapel and Central Franklin Character Areas, to the south by the Harpeth River, and to the east by the Seward Hall Character Area. The McEwen Area is the principal regional commercial area in the UGB. It includes 3,713 acres and nearly 12 million square feet of commercial, office and industrial space. It is also the principal location for Attached Residential, with 3,520 attached units. There are about 1,100 vacant acres that have development potential. Most of this land is in large parcels under limited ownership. This area is clearly the major economic engine for the City.

The area is also bisected by several tributaries of the Harpeth River that create constraints to further development.

High-quality design and people-friendly environments will be encouraged through heightened standards and site design to reinforce the small-town appeal of Franklin.

SPECIAL AREA 6

1. The character of this area is largely established.
2. New development shall reflect the same character as the established area.



PROJECT BACKGROUND: This request is made in order to rezone the property from AG (Agricultural District) to RX (Residential Variety District), which would allow for both attached and detached residential units.

PROJECT REVIEW

STAFF RECOMMENDATION: Favorable Recommendation to the BOMA.

COMMENTS: This development plan was deferred at the April 25, 2013 FMPC Meeting due to concerns regarding infrastructure availability. Now that the basin studies have been completed, the applicant and City staff have met to discuss the proposed routing and sizing of the sanitary sewer interceptor, as identified in the sewer basin studies, and a probable route through this site has been determined. The most recent utility plan submitted by the applicant also proposes sanitary sewer connections to adjacent developments, as required by staff.

PROCEDURAL REQUIREMENTS:

1. The city's project identification number shall be included on all correspondence with any city department relative to this project.

***PROJECT CONSIDERATIONS:**

1. None;

* These items are not conditions of this approval, but are intended to highlight issues that should be considered in the overall site design or may be required when more detailed plans are submitted for review. These items are not meant to be exhaustive and all City requirements and ordinances must be met with each plan submittal.

Financial Impact

Not applicable to this item.

Options

Not applicable to this item.

Recommendation

Approval of Ordinance 2013-16 is recommended.