

**ORDINANCE 2013-08**

**TO BE ENTITLED: "AN ORDINANCE TO REZONE ±10.03 ACRES FROM AGRICULTURAL DISTRICT (AG) TO ESTATE RESIDENTIAL DISTRICT (ER) FOR THE PROPERTY LOCATED AT 252 SPENCER CREEK ROAD."**

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

Zoning Reference Number: 13-02:

Map-Group-Parcel	Acres
052---02104	±4.93
052---02201	±5.10
TOTAL	±10.03

A tract of land located in Williamson County, Tennessee Tax Map 52, Parcels 22.01 and 21.04 and being more particularly described as follows:

Beginning at an iron rod in the north right-of-way of Spencer Creek Road at the southwestern corner of Deborah E Tolly property shown on Tax Map 52 as Parcel 22.00 and recorded in Deed Book 2078, Page 95 in the Register's Office of Williamson County, Tennessee, (R.O.W.C., TN) and the southeastern corner of Marston property shown on Tax Map 52, as Parcel 22.01 and recorded in Deed Book 3119, Page 373 in the Register's Office of Williamson County, Tennessee, (R.O.W.C., TN.);

Thence North 70° 37' 00" West a distance of 300 feet along the North right-of-way of Spencer Creek Road;

Thence North 70° 09' 37" a distance of 96.21 feet along the North right-of-way of Spencer Creek Road; Thence a distance of 178.81 feet along a curve to the right with a radius of 426.64 feet, delta 24° 00' 00", chord bearing North 58° 09' 13" West, chord distance 177.50 feet along the North right-of-way of Spencer Creek Road;

Thence North 46° 08' 50" West a distance of 180.27 feet along the North right-of-way of Spencer Creek Road to an iron rod at the southwestern corner of Ryan Simpson and Heather Simpson as shown on Tax Map 52 as Parcel 21.04 and the southeastern corner of Richard Johnson shown on Tax Map 52 as Parcel 21.03 and recorded in Deed Book 1545, Page 979 in the Register's Office of Williamson County, Tennessee, (R.O.W.C., TN);

Thence with Johnson's line and leaving the North right-of-way of Spencer Creek Road North 43° 51' 09" East a distance of 615.00 feet to an iron rod at the northeastern corner of Richard Johnson and the southeastern corner of Sonia M Hoover shown on Tax Map 52 as Parcel 21.05 and recorded in Deed Book 5272, Page 598 in the Register's Office of Williamson County, Tennessee, (R.O.W.C., TN);

Thence with Hoover's line North 21° 52' 28" East a distance of 453.37 feet to an iron rod;

Thence with Hoover's line South 71° 17' 01" East a distance of 27.85 feet to an iron rod at the northwestern corner of Douglas K Yoder and Lyndia P Yoder as shown on Tax Map 52 as Parcel 22.00 and recorded in Deed Book 3129, Page 183 in the Register's Office of Williamson County, Tennessee, (R.O.W.C., TN);

Thence with Yoder's line South 05° 38' 54" East a distance of 846.81 feet to an iron rod;

Thence with Yoder's line South 70° 08' 18" East a distance of 130.49 feet to an iron rod;

Thence with Yoder's line South 28° 27' 41" West a distance of 362.92 feet to the beginning containing 9.98 acres more or less per the deeds of record for the parcels described.

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:

2/28/13

PASSED FIRST READING:

3/26/13

PUBLIC HEARING HELD:

4/23/13

PASSED SECOND READING:

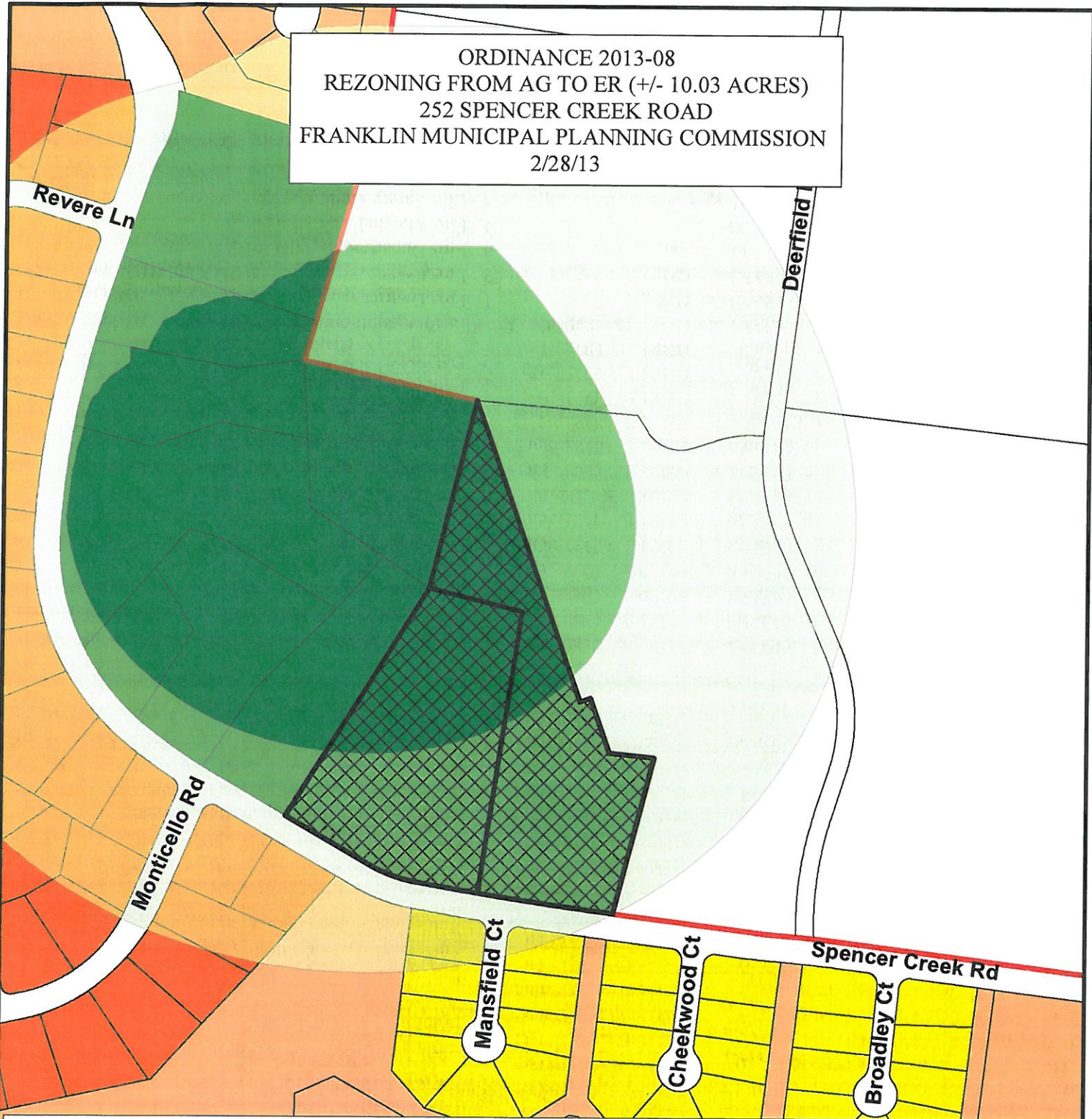
4/23/13

PASSED THIRD READING:






















\_\_\_\_\_



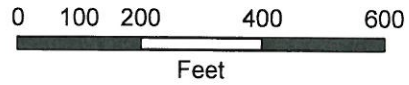
ORDINANCE 2013-08  
 REZONING FROM AG TO ER (+/- 10.03 ACRES)  
 252 SPENCER CREEK ROAD  
 FRANKLIN MUNICIPAL PLANNING COMMISSION  
 2/28/13

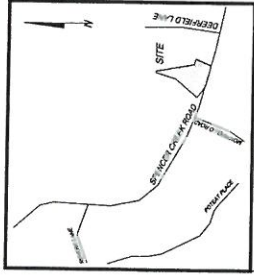


**Legend**

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

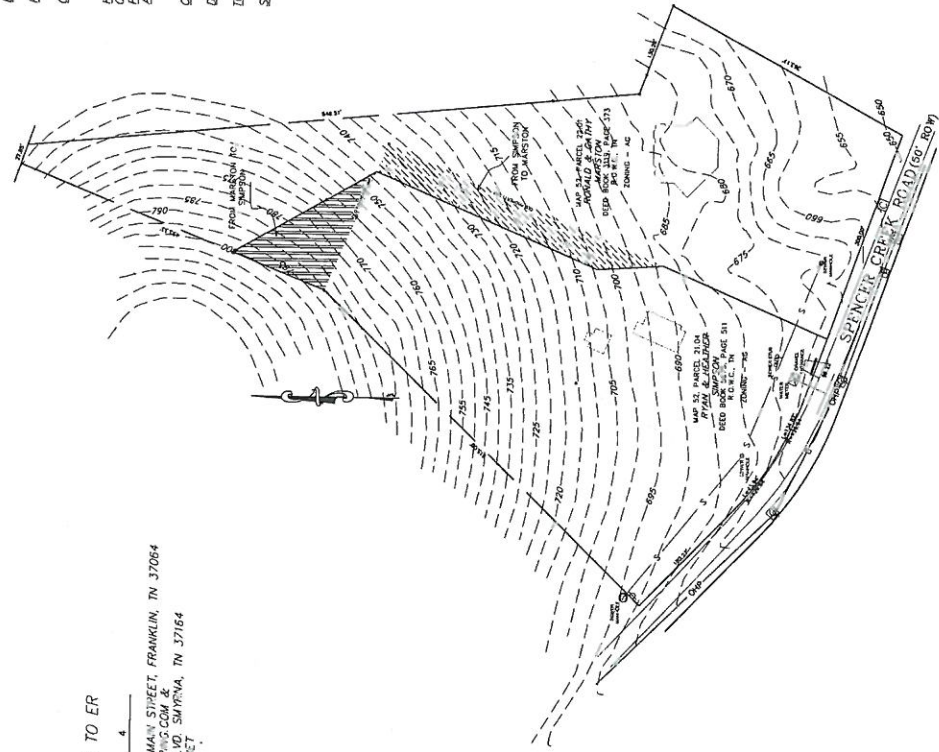
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MAP 52, PARCEL 21.05  
 SOWIA M. HOOVER  
 DEED BOOK 5272, PAGE 588  
 R.O.W.C., TN  
 ZONING - AG

MARSTON, SIMPSON REZONING TO ER  
 PROJECT NO. 2253  
 PREPARED BY: MORTON STEVENS & SONS, INC.  
 615-791-5774 - TRACEREAULTY@MORTONSTEVENSONS.COM  
 615-791-5774 - TRACEREAULTY@MORTONSTEVENSONS.COM  
 615-831-4756 HANDLAND@BELLSOUTH.NET



**STANDARD NOTES**  
 OWNER: RONALD C. MARSTON & CATHY L. MARSTON  
 ADDRESS: 256 SPENCER CREEK ROAD, FRANKLIN, TN 37069  
 PHONE: 615-790-8748  
 OWNER: RYAN SIMPSON & HEATHER SIMPSON  
 ADDRESS: 252 SPENCER CREEK ROAD, FRANKLIN, TN 37069  
 EXISTING ZONING: AG  
 PROPOSED ZONING: ER  
 CITY OF FRANKLIN PROJECT: 2653

HBL LAND SURVEYING JOB: 2012-0177  
 CONTACT: STEPHEN MACCLAMAHAN RLS 772  
 ADDRESS: 615-831-4756 EMAIL: HANDLAND@BELLSOUTH.NET  
 ADDRESS: 612A FITZTUGH BLVD, SMYRNA, TN 37167  
 CHARACTER AREA: BERRY'S CHAPEL BC-1  
 DEVELOPMENT STANDARD: CONVENTIONAL  
 TOTAL AREA: 10.0 AC ± 436,992 SQ. FT.

STATEMENT OF IMPACTS: PARCEL 22.01 AND PARCEL 21.04 ON WILLIAMSON COUNTY, TENNESSEE. PARCELS 22.01 AND 21.04 EACH HAVE AN EXISTING SINGLE FAMILY RESIDENTIAL STRUCTURE LOCATED THEREON. THEREFORE, THERE WILL BE NO ADDITIONAL BURDEN ON THE EXISTING INFRASTRUCTURE.



H & H LAND SURVEYING, INC.  
 612A FITZTUGH BOULEVARD  
 SMYRNA, TENNESSEE 37167  
 PHONE: (615) 831-0756 / E-MAIL: h.h.land@bellsouth.net

REZONING SITE PLAN  
 TAX MAP: 52 PARCEL: 22.01 & 21.04  
 8TH CIVIL DISTRICT OF  
 WILLIAMSON COUNTY, TENNESSEE

Scale: 1" = 100'  
 GRAPHIC SCALE  
 CHECKED BY: [ ]  
 DATE: 1-10-2013

REV	DATE	BY	REVISION
01	01-13-2013	SM	ADDED STATEMENT OF IMPACTS NOTE

DATE: 1-10-2013  
 SHEET: 1 OF 1





March 12, 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 2013-08, an ordinance to rezone ± 10.03 acres from Agricultural District (AG) to Estate Residential (ER) for the properties located at 252 and 256 Spencer Creek Road

**Purpose**

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information regarding an ordinance to rezone ± 10.03 acres from Agricultural District (AG) to Estate Residential (ER) for the properties located at 252 and 256 Spencer Creek Road

**Background**

This ordinance was favorably recommended to the BOMA by the Planning Commission with an 8-0 vote at the February, 28, 2013, FMPC Meeting. The project information and comments from the FMPC staff report are included below.

PROJECT INFORMATION	
Existing Land Use	Vacant / Detached Residential
Proposed Land Use	Detached Residential
Existing Zoning	AG
Proposed Zoning	ER
Acreage	10.03 acres
Development Standard	Either
Character Area Overlay	BCCO-1
Other Applicable Overlays	HHO
Minimum Landscape Surface Ratio	.60 in ER

SURROUNDING ZONING AND LAND USE		
Location	Land Use	Zoning
North	Detached Residential	County
South	Detached Residential	R-1
East	Detached Residential	County
West	Vacant	AG



**LAND USE PLAN RECOMMENDATIONS**

The Berrys Chapel Character Area comprises approximately 3,900 acres in the north-central portion of the UGB. The northern boundary of the area is the UGB, Sims Lane and Lynwood Way. Mack Hatcher Parkway is the southern boundary, and the Harpeth River is the primary west edge of the area. It is bound to the east by the McEwen Character Area. The primary existing land use in the area is single-family residential, with pockets of civic and retail uses along Franklin and Hillsboro Roads. In the northeast section of the area there are over 900 multifamily units that provide a variety of housing options.

Additionally, the following provisions apply specifically to Special Area 1:

1. Development fronting on Berrys Chapel Road shall be on lot sizes comparable to those that currently exist along the road.
2. Development in the remainder of this area shall be Rural with a Conservation Subdivision District.
3. Open space shall be oriented towards preserving hillsides and hilltops.
4. New development shall have a maximum gross density based upon the prevailing density of the developed subdivisions of Deerfield, Echo Estates and Echo Glenn Subdivisions.
5. This maximum density requires one or more acres per dwelling unit.
6. Smaller lots should not be located on the exterior of a proposed development adjacent to, or across the street from, larger lots of an existing development. However, if the applicant proposes an alternative, and if potential conflicts will be created, the applicant shall give justification as to how they will be mitigated or avoided.
7. Detached Residential is the singular appropriate residential land use for Special Area 1.

**PROJECT BACKGROUND:** This rezoning request is submitted in order to rezone the properties at 252 and 256 Spencer Creek Road from AG to ER.

**PROJECT REVIEW**

**STAFF RECOMMENDATION:** Favorable recommendation to the BOMA;

**COMMENTS:** As shown on the map attached to this staff report, approximately 50 percent of the area within these two parcels is within the HHO Overlay, and restricts development to uses outlined in Section 3.4.8 of the



HISTORIC  
FRANKLIN  
TENNESSEE

## MEMORANDUM

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Franklin Zoning Ordinance. Additionally, while all properties along the north side of Spencer Creek Road are zoned AG, if these parcels are rezoned to ER and later subdivided, the density would be compatible with existing lots in Deerfield and Echo Estates and would remain under 1 unit per acre (ER density is .5 unit/acre) as recommended by the Franklin Land Use Plan. Therefore, staff feels that a rezoning to ER is appropriate given the constraint of the HHO and the character of adjacent areas.

### **Financial Impact**

Not applicable to this item.

### **Options**

Not applicable to this item.

### **Recommendation**

Approval of Ordinance 2013-08 is recommended.