

ORDINANCE 2013-35

TO BE ENTITLED “AN ORDINANCE TO REZONE +/- 195.5 ACRES FROM AGRICULTURAL (AG) DISTRICT TO RESIDENTIAL VARIETY (RX) DISTRICT FOR THE PROPERTY LOCATED AT 4413 SOUTH CAROTHERS ROAD.”

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 (AG) to Residential Variety (RX):

Zoning Reference Number: 13-12:

| Map-Group-Parcel | Acres |
|------------------|---------|
| 089-04900 | ± 195.5 |
| TOTAL | ± 195.5 |

DEED REFERENCE:

BEING PROPERTY CONVEYED TO TIM C. HILL BY DEED OF RECORD IN BOOK 4156, PAGE 539 & BOOK 4156, PAGE 542, R.O.W.C.

PROPERTY MAP REFERENCE:

BEING PARCELS NO. 31.00 & 31.01 AS SHOWN ON WILLIAMSON COUNTY PROPERTY MAP NO. 80.

PROPERTY DESCRIPTION

TRACT 1

MAP 89 OF PARCEL 49

Land located in the 14th civil district of Williamson County, Tennessee, and said tract of land being more particularly described by metes and bounds, as follows:

Commencing at an iron rod near the intersection of South Carothers Road and a future Connector Road thence in a Westerly direction 757.5 +/- feet to a point situated in the Westerly margin of South Carothers Parkway being the Northeast corner of the subject property. Said point also being the Southeast corner of South Carothers Partners, L.L.C. property record in Book 4877, Page 537, in the Register's Office for Williamson County, Tennessee; and being the Point of Beginning;

Thence, continuing with margin of said road with a curve to the right, having a Radius of 2799.79 feet, Delta angle of 02°22'43", Tangent of 58.13 feet, Arc Length of 116.24 feet, with a chord bearing of S 22°17'05" E, a chord distance of 116.23 feet to a point;

Thence, S 21°05'44" E, a distance of 28.94 feet to a point;

Thence, S 23°17'37" W, a distance of 40.24 feet to a point;

Thence, S 23°46'32" E, a distance of 66.77 feet to a point;

Thence, S 66°10'33" E, a distance of 35.35 feet to a point;

Thence, S 21°05'44" E, a distance of 934.66 feet to a point;

Thence, S 23°54'16" W, a distance of 35.36 feet to a point;

Thence, S 21°05'44" E, a distance of 120.00 feet to a point;

Thence, S 66°05'44" E, a distance of 35.36 feet to a point;

Thence, S 21°05'44" E, a distance of 99.92 feet to an iron rod found by Gresham Smith and being the Northeast corner for Thomas Helm, III property as recorded in Book 610, Page 344, in the Register's Office for Williamson County, Tennessee;

Thence, continuing with Helm Westerly property line S 07°54'52" W, a distance of 352.89 feet to an iron rod found by TN RLS# 2039;

Thence, S 06°58'02" W, a distance of 716.88 feet to a wood fence post;

Thence, S 37°24'01" W, a distance of 226.56 feet to a point;

Thence, S 37°45'27" W, a distance of 181.40 feet to a wood fence post;

Thence, S 16°37'42" W, a distance of 267.88 feet to a point;

Thence, S 19°19'11" W, a distance of 69.33 feet to a point;

Thence, S 15°25'57" W, passing a iron rod found near the top of bank at 84.61, for a total distance of 144.37 feet to a point on the center of the Big Harpeth River;

Thence, continuing with center of the Big Harpeth River S 77°10'59" W, a distance of 69.51 feet to a point;

Thence, S 56°45'56" W, a distance of 141.68 feet to a point;

Thence, S 42°32'18" W, a distance of 106.78 feet to a point;

Thence, S 37°57'39" W, a distance of 153.54 feet to a point;

Thence, S 31°12'57" W, a distance of 248.53 feet to a point;

Thence, S 33°19'26" W, a distance of 263.21 feet to a point;

Thence, S 37°47'22" W, a distance of 270.72 feet to a point;

Thence, S 49°22'29" W, a distance of 352.46 feet to a point;

Thence, S 49°58'17" W, a distance of 330.75 feet to a point;

Thence, S 76°32'23" W, a distance of 295.76 feet to a point;

Thence, S 63°23'31" W, a distance of 135.61 feet to a point;
Thence, N 86°18'24" W, a distance of 55.22 feet to a point;
Thence, N 70°56'26" W, a distance of 68.99 feet to a point;
Thence, N 65°42'45" W, a distance of 60.12 feet to a point;
Thence, N 49°40'15" W, a distance of 56.52 feet to a point;
Thence, N 35°59'03" W, a distance of 84.76 feet to a point;
Thence, N 36°27'38" W, a distance of 416.05 feet to a point;
Thence, N 43°59'01" W, a distance of 666.82 feet to a point;
Thence, N 27°13'05" W, a distance of 224.23 feet to a point;
Thence, N 00°43'11" W, a distance of 95.40 feet to a point;
Thence, N 25°52'04" E, a distance of 258.64 feet to a point;
Thence, N 40°17'13" E, a distance of 125.94 feet to a point;
Thence, N 58°35'03" E, a distance of 95.33 feet to a point;
Thence, N 81°48'03" E, a distance of 183.00 feet to a point;
Thence, S 87°03'59" E, a distance of 299.23 feet to a point;
Thence, S 70°51'36" E, a distance of 395.49 feet to a point;
Thence, N 88°14'15" E, a distance of 145.35 feet to a point;
Thence, N 54°07'33" E, a distance of 98.80 feet to a point;
Thence, N 02°19'56" W, a distance of 164.37 feet to a point;
Thence, N 00°16'11" E, a distance of 374.56 feet to a point;
Thence, N 06°30'23" E, a distance of 364.95 feet to a point;
Thence, N 22°23'50" E, a distance of 92.19 feet to a point;
Thence, N 06°01'34" W, a distance of 200.24 feet to a point;
Thence, N 15°21'48" W, a distance of 507.82 feet to a point;
Thence, N 22°19'29" W, a distance of 386.00 feet to a point;
Thence, N 10°54'14" W, a distance of 417.24 feet to a point;
Thence, N 20°03'52" E, a distance of 238.53 feet to a point;
Thence, N 36°52'05" E, a distance of 324.79 feet to a point;
Thence, N 59°01'42" E, a distance of 176.66 feet to a point;
Thence, S 79°52'03" E, a distance of 242.01 feet to a point;
Thence, N 72°49'49" E, a distance of 403.22 feet to a point;
Thence, N 46°43'32" E, a distance of 164.11 feet to a point and being the Southwesterly corner of South Carothers Partners, L.L.C. property record in Book 4877, Page 537, in the Register's Office for Williamson County, Tennessee;

Thence, leaving said river with South Carothers Partners, L.L.C. southerly property line S 84°14'52" E, passing a iron rod found by TN RLS# 2036 at 72.48 feet for a total distance of 589.21 feet to The Point of Beginning and containing 8,515,833.530 square feet or 195.497 acres of land;

Being a portion of the same property conveyed to Carothers Land Company, L.L.C. of record in Book 4745, Page 442, in the Register's Office for Williamson County, Tennessee;

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: 7/25/13

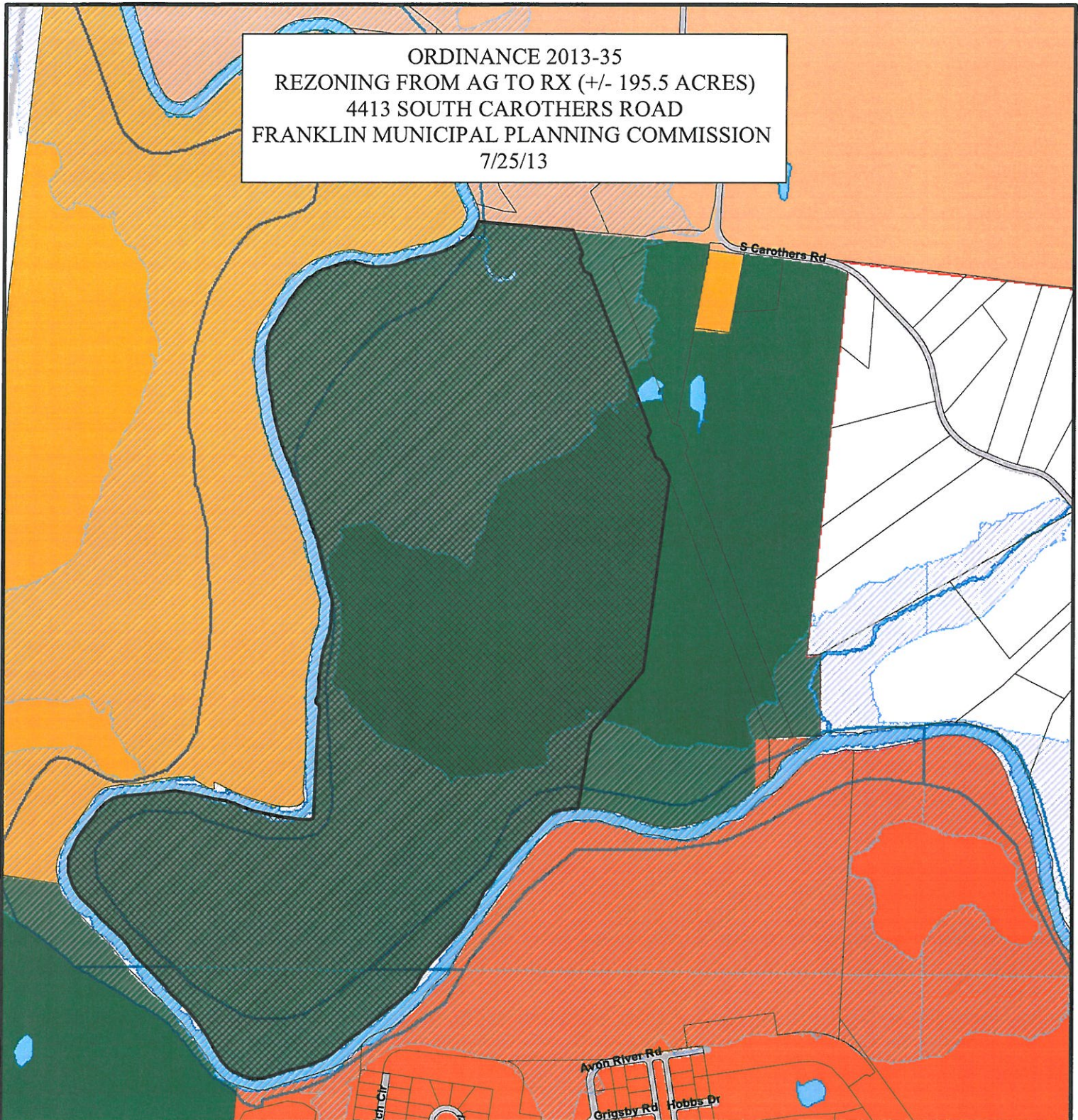
PASSED FIRST READING: _____

PUBLIC HEARING HELD: _____

PASSED SECOND READING: _____

PASSED THIRD READING: _____

ORDINANCE 2013-35
REZONING FROM AG TO RX (+/- 195.5 ACRES)
4413 SOUTH CAROTHERS ROAD
FRANKLIN MUNICIPAL PLANNING COMMISSION
7/25/13



- | | |
|--------------------------|-------------------------------------|
| Parcel Selection | Historic Core Residential District |
| PARCEL_TYP | RX Residential Variety |
| Parcels | OR Office Residential District |
| FFO | GO General Office District |
| FWO | CC Central Commercial District |
| Ponds | NC Neighborhood Commercial District |
| Ponds | GC General Commercial District |
| Zoning | MN Neighborhood Mixed-Use District |
| AG Agricultural District | ML Local Mixed-Use District |
| ER Estate Residential | MX Regional Mixed-Use District |
| R-1 Residential District | LI Light Industrial District |
| R-2 Residential District | HI Heavy Industrial District |
| R-3 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 hereon. All data and materials (c) copyright 2013. All rights reserved.



FRANKLIN MUNICIPAL PLANNING COMMISSION REPORT

NAME OF PROJECT: Ordinance 2013-35, An Ordinance to Rezone +/- 195.5 Acres from AG (Agricultural) to RX (Residential Variety District)

LOCATION: 4413 S Carothers Road

APPLICANT: Jack Ludington and/or Greg Gamble

OWNER: Jack Ludington, Goodall Homes and Communities

TYPE OF REVIEW: Rezoning

RECOMMENDATION: Favorable Recommendation to BOMA

| PROJECT INFORMATION | |
|----------------------------------|--------------|
| Existing Land Use | Agricultural |
| Proposed Land Use | Residential |
| Existing Zoning | AG |
| Proposed Zoning | RX |
| Acreage | 195.5 acres |
| Development Standard | Conventional |
| Character Area Overlay | MECO-6 |
| Other Applicable Overlays | FFO and FWO |

| SURROUNDING ZONING AND LAND USE | | |
|---------------------------------|---------------------|---------|
| Location | Land Use | Zoning |
| <i>North</i> | Residential | RX |
| <i>South</i> | Residential | R-2 |
| <i>East</i> | Proposing RX | AG (RX) |
| <i>West</i> | City owned property | ER |

LAND USE PLAN RECOMMENDATIONS

The McEwen Character Area encompasses 6,680 acres and four major interchanges with I-65, Cool Springs Boulevard, McEwen, Murfreesboro Road, and part of a fourth interchange at Moores Lane. 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. This Character Area is the principal regional commercial area in the UGB and includes 3,713 acres. Attached Residential dwellings are present in the area and several hundred units have been approved in recent months. This area is clearly the major economic engine for the City. Carothers Parkway area is the backbone of a major employment corridor and this roadway is enhanced by landscaped medians and landscaped parking lots. The McEwen Character Area has undergone significant changes since this section of the Land Use Plan was last updated.

The proposed development is located in the McEwen Character Area, Special Area 6, which historically has consisted of agricultural uses and low density single family residential. Significant changes are being planned and funded for this special area, including the roadway improvements to South Carothers Parkway and other adjacent residential developments. Since the area contains significant floodplain area, care should be taken to protect and preserve environmental features in this area.

PROJECT BACKGROUND: This request is to rezone the property at 4413 S Carothers Road from AG to RX. Please see the text above for a discussion of the Franklin Land Use Plan policy that applies to this area.

PROJECT REVIEW

STAFF RECOMMENDATION: Favorable Recommendation to BOMA.

COMMENTS: None;

PROCEDURAL REQUIREMENTS:

1. The city's project identification number shall be included on all correspondence with any city department relative to this project.
2. Fifteen (15) half-size copies of the Rezoning Plan shall be submitted to the Department of Planning and Sustainability by 9am on the Monday after the Planning Commission meeting in order to be placed on the Board of Mayor and Aldermen Agenda.

***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.

FRANKLIN MUNICIPAL PLANNING COMMISSION (FMPC) PROCESS AND PROCEDURES

If the applicant has questions about, or is in disagreement with, a condition of approval, they shall contact the project planner within the Department of Planning and Sustainability prior to the FMPC meeting. If the applicant fails to notify the Department of Planning and Sustainability of an objection to a condition of approval by one (1) day prior to the FMPC Meeting and raises their objection at the FMPC meeting, staff shall recommend deferral of the item until the next available Agenda.

The following is the process for an item to be heard by the FMPC during their monthly meetings:

1. Staff Presentation,
2. Public Comments,
3. Applicant presentation, and
4. Motion/discussion/vote.

This format has been established to facilitate a more orderly FMPC meeting. The process is intentionally designed in order for any applicant questions or disagreements about conditions of approval to be resolved prior to the meeting, rather than during the FMPC meeting. Only when disagreements about conditions of approval cannot be resolved by the applicants and staff prior to the meeting should those issues be raised during the FMPC meeting.



HISTORIC
FRANKLIN
TENNESSEE

ITEM #14
WRKS
08/13/13

MEMORANDUM

August 2, 2013

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 2013-35, a rezoning request for 4413 South Carothers Road from Agricultural (AG) to Residential Variety (RX) on 195.5 acres

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen with information regarding a rezoning request for 4413 South Carothers Road from Agricultural (AG) to Residential Variety (RX) on 195.5 acres.

Background

Please see attached FMPC Report for the Background on this project.

This rezoning request was recommended unanimously (7-0) by the Planning Commission at the July 25, 2013 FMPC meeting.

Financial Impact

Not applicable to this item.

Options

Not applicable to this item.

Recommendation

Approval of the rezoning is recommended.