



HISTORIC  
FRANKLIN  
TENNESSEE

ITEM #9  
WRKS  
10/08/13

## MEMORANDUM

September 27, 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  
Emily Hunter, Principal Planner

**SUBJECT: ORDINANCE 2013-49, TO BE ENTITLED “AN ORDINANCE TO REZONE +/- 43.20 ACRES TO THE HEIGHT OVERLAY DISTRICT (HTO) FOR THE PROPERTY LOCATED AT 9009 CAROTHERS PARKWAY.”**

### **Purpose**

The purpose of this memorandum is to provide the Board of Mayor and Aldermen with information regarding a rezoning request for the property at 9009 Carothers Parkway to the Height Overlay (HTO).

### **Background**

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

This text amendment was recommended unanimously (7-0) by the Planning Commission at the September 26, 2013, FMPC meeting.

### **Financial Impact**

A larger development could pay additional impact fees, facilities taxes and water and sewer tap fees.

### **Options**

Not applicable to this item.

### **Recommendation**

Approval of the rezoning is recommended.

**ORDINANCE 2013-49**

**TO BE ENTITLED “AN ORDINANCE TO REZONE +/- 43.20 ACRES TO THE HEIGHT OVERLAY DISTRICT (HTO) FOR THE PROPERTY LOCATED AT 9009 CAROTHERS PARKWAY.”**

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 to the Height Overlay District (HTO):

Zoning Reference Number: 13-15:

Map-Group-Parcel	Acres
053---14200 (part)	±43.20
TOTAL	±43.20

BEING A PART OF LOT 5 OF THE FINAL PLAT OF COOL SPRINGS EAST SUBDIVISION, SECTION ONE REVISION ONE AS RECORDED IN PLAT BOOK 22, PAGE 46, REGISTERS OFFICE OF WILLIAMSON COUNTY, TENNESSEE (ROWC, TN), SAID TRACT LYING IN WILLIAMSON COUNTY IN THE 9 TH DISTRICT OF FRANKLIN, TENNESSEE. BOUNDED ON THE SOUTH BY LOT 694 AND 695 OF THE FINAL PLAT OF COOL SPRINGS EAST SUBDIVISION, SECTION ONE, REVISION THREE (RESUBDIVISION OF LOT 4) (SECTION 35 OF COOL SPRINGS EAST), AS RECORDED IN PLAT BOOK 42, PAGE 102, ROWC, TN; BOUNDED ON THE WEST BY THE EASTERN ROW OF INTERSTATE 65 (ROW VARIES); BOUNDED ON THE NORTH BY CONTINENTAL COOL SPRINGS EAST, AS RECORDED IN DEED BOOK 3112, PAGE 646, ROWC, TN, AND BY SONGBIRD AVIATION II, LLC, AS RECORDED IN DEED BOOK 3357, PAGE 103. ROWC, TN; AND BOUNDED ON THE EAST BY THE REMANING PORTION OF SAID LOT 5 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT, B E I N G T H E SOUTHEAST CORNER OF SAID LOT 5, SAID POINT LYING ON SAID WESTERN ROW OF CAROTHERS PARKWAY AND BEING N 28 DEG. 44' 57" E, 404.42' FROM THE CENTERLINE INTERSECTION OF SAID CAROTHERS PARKWAY AND GILLESPIE DRIVE; THENCE, LEAVING SAID ROW OF CAROTHERS PARKWAY AND ALONG THE COMMON LINE OF SAID LOT 694 AND 695 AND WITH THE FOLLOWING: N 66 DEG. 31' 32" W, 217.13' TO THE POINT OF BEGINNING;

THENCE, N 66 DEG. 31' 32" W, 187.19' TO A SET POINT;

THENCE, S 68 DEG. 28' 27" W, 193.44' TO A SET POINT;

THENCE, N 66 DEG. 31' 32" W, 470.27' TO A SET POINT;

THENCE, N 21 DEG. 31' 32" W, 193.44' TO A SET POINT;

THENCE, N 66 DEG. 31' 32" W, 609.00' TO A FOUND IRON ROD LYING ON SAID EASTERN

ROW OF INTERSTATE 65, SAID POINT BEING THE SOUTHWEST CORNER OF THE TRACT BEING DESCRIBED;

THENCE, LEAVING SAID COMMON LINE AND ALONG SAID ROW OF INTERSTATE 65 WITH THE FOLLOWING: N 28 DEG. 42' 16" E, 303.32' TO A FOUND IRON ROD WITH "RAGAN & SMITH" CAP;

THENCE, N 61 DEG. 14' 08" E, 282.97' TO A SET POINT;

THENCE, N 16 DEG. 11' 55" E, 199.84' TO A SET POINT;

THENCE, N 31 DEG. 27' 43" W, 296.95' TO A FOUND IRON ROD WITH " RAGAN & SMITH" CAP;

THENCE, N 07 DEG. 54' 14" W, 36.26' TO A SET POINT, SAID POINT BEING THE NORTHWEST CORNER OF THE TRACT BEING DESCRIBED;

THENCE, LEAVING SAID ROW OF INTERSTATE 65 WITH THE FOLLOWING: S 79 DEG. 55' 28" E, 1319.73' TO A SET POINT;

THENCE, N 89 DEG. 18' 28" E, 328.39' TO A POINT, SAID POINT LYING S 89 DEG. 18' 28" W, 205.80' FROM SAID WESTERN ROW OF CAROTHERS PARKWAY AND THE NORTHEAST CORNER OF SAID LOT 5;

THENCE, WITH A PROPOSED ZONING LINE THAT LIES 200 FEET WEST OF AND PARALLEL WITH THE WEST ROW OF CAROTHERS PARKWAY AND THROUGH SAID LOT 5 WITH THE FOLLOWING: WITH A CURVE TO THE LEFT HAVING A LENGTH OF 258.50, HAVING A RADIUS OF 1573.57', HAVING AN INTERIOR ANGLE OF 09 DEG. 24' 44", AND HAVING A CHORD BEARING AND DISTANCE OF S 07 DEG. 19' 21" W, 258.21';

THENCE, S 02 DEG.36' 59" W 200.00';

THENCE, WITH A CURVE TO THE RIGHT HAVING A LENGTH OF 742.97', HAVING A RADIUS OF 972.43', HAVING AN INTERIOR ANGLE OF 43 DEG. 46' 31" AND HAVING A CHORD BEARING AND DISTANCE OF S 24 DEG. 30' 16" W, 742.97';

THENCE, S 46 DEG. 23' 33" W, 223.64' TO THE POINT OF BEGINNING AND CONTAINING 1,881,817 SQUARE FEET OR 43.20 ACRES MORE OR LESS.

BEING PART OF THE SAME PROPERTY CONVEYED TO CAROTHERS OFFICE ACQUISITION LLC, A DELAWARE LIMITED LIABILITY COMPANY, BY SPECIAL WARRANTY DEED DATED AUGUST 31, 2006 FROM FORD MOTOR LAND DEVELOPMENT CORPORATION, A DELAWARE CORPORATION AS RECORDED IN BOOK 4028, PAGE 674, 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: \_\_\_\_\_

PASSED FIRST READING: \_\_\_\_\_

PUBLIC HEARING HELD: \_\_\_\_\_

PASSED SECOND READING: \_\_\_\_\_

PASSED THIRD READING: \_\_\_\_\_

**FRANKLIN MUNICIPAL PLANNING COMMISSION REPORT**

**NAME OF PROJECT:** Ordinance 2013-49, An Ordinance to Rezone +/- 43.20 Acres to the Height Overlay District (HTO)

**LOCATION:** 9009 Carothers Parkway

**APPLICANT:** Scotty Bernick, Ragan Smith

**OWNER:** LCFRE Nashville Carothers LP

**TYPE OF REVIEW:** Rezoning

**RECOMMENDATION:** Favorable Recommendation to the BOMA

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<b>PROJECT INFORMATION</b>	
<b>Existing Land Use</b>	Office
<b>Proposed Land Use</b>	N/A
<b>Existing Zoning</b>	GC
<b>Proposed Zoning</b>	HTO
<b>Acreage</b>	43.20 acres
<b>Development Standard</b>	Conventional
<b>Character Area Overlay</b>	MECO-4
<b>Other Applicable Overlays</b>	N/A

<b>SURROUNDING ZONING AND LAND USE</b>		
<b>Location</b>	<b>Land Use</b>	<b>Zoning</b>
<i>North</i>	Office/Commerical	GC
<i>South</i>	Office/Commercial	GC/HTO
<i>East</i>	Attached Residential	RX
<i>West</i>	I-65	--

## LAND USE PLAN RECOMMENDATIONS

The McEwen Character Area encompasses 6,680 acres and four major interchanges with I-65: Cool Springs Boulevard, McEwen Drive, and 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. 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. This area is clearly the major economic engine for the City.

The McEwen Character Area will continue to be the major economic driver for the City of Franklin. However, economically productive development will respect the residential neighborhoods. 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 4

A mixture of Attached and Detached Residential and Neighborhood or Local Retail uses is recommended, either in separate structures (proximate mixed uses) or with multiple uses in the same building on different floors (vertical mixed uses).

Retail uses, mid-rise commercial and hotels should be of higher intensity adjacent to I-65 and transition to less intensive uses further away from the interstate.

Local Retail may be located as a transitional land use between the Regional Retail and surrounding residential neighborhoods.

**PROJECT BACKGROUND:** This rezoning request is made in order to request the Height Overlay (HTO) for a significant portion of the property at 9009 Carothers Parkway.

## PROJECT REVIEW

**STAFF RECOMMENDATION:** Favorable Recommendation to the BOMA.

**COMMENTS:** Staff is recommending approval of this rezoning request. As shown on the Rezoning Plan, the applicant proposes that the HTO be applied to the property at 9009 Carothers Parkway, except for a 200 foot area located along Carothers Parkway. In the pre-application meeting with the applicants, staff felt that a transition was needed for the HTO area due to the manner in which the area has developed. While the parcel to the south is completely within the HTO area, it has not developed to heights permitted by the HTO Overlay (12

stories). Additionally, this lot is across the street from two and three-story attached residential units and a retail center across the street is one-story in height. The applicant is in agreement with this approach. Furthermore, new development on the site must comply with Section 5.3.4 (Transitional Features) of the Franklin Zoning Ordinance, which provides an additional degree of review to ensure that height compatibilities are achieved on this parcel.

#### **PROCEDURAL REQUIREMENTS:**

1. The city's project identification number shall be included on all correspondence with any city department relative to this project.
2. The traffic impact letter shall be updated to provide the existing trip generation as a basis for comparison for the site.
3. 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:

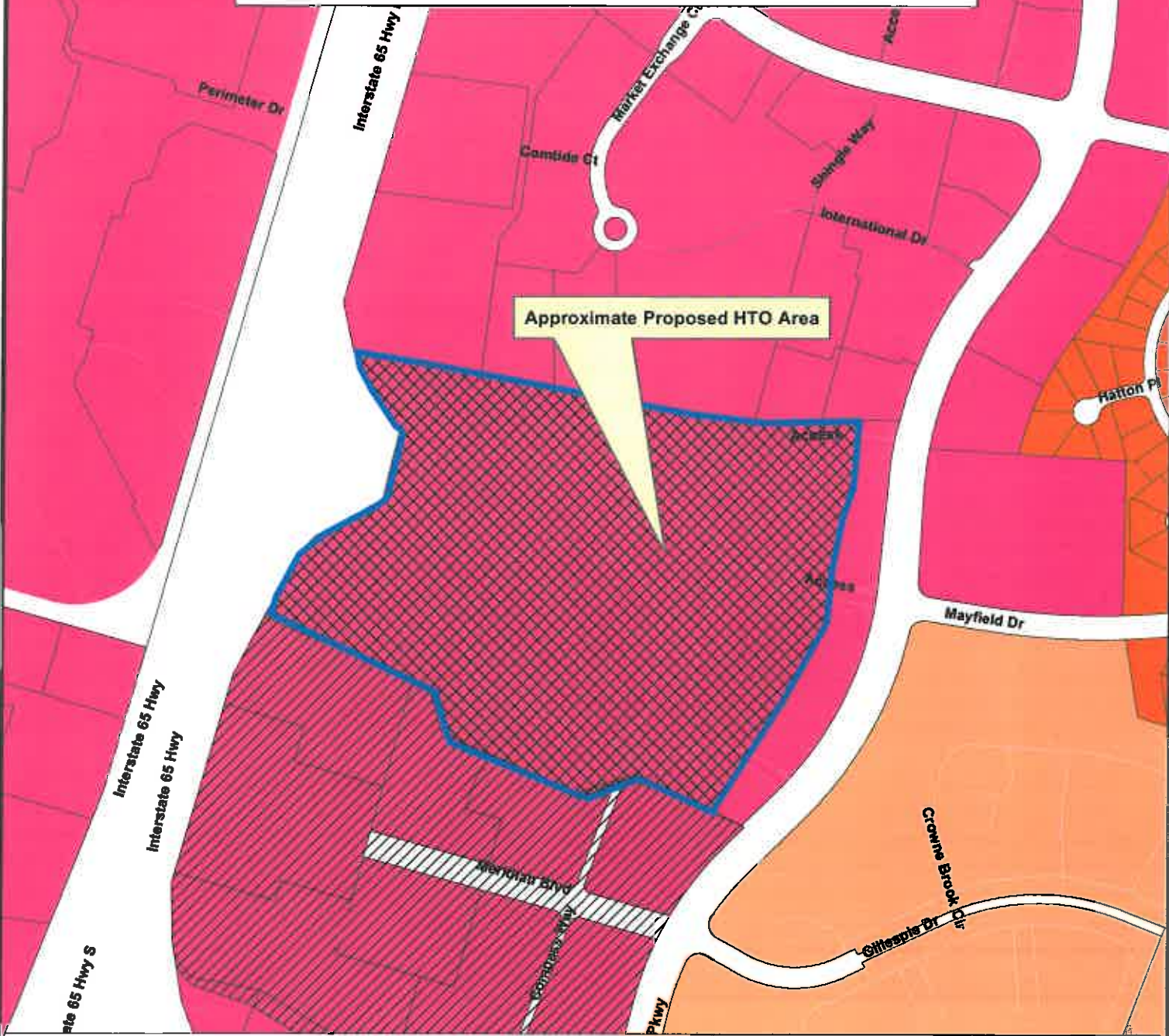
1. Staff Presentation,
2. Public Comments,
3. Applicant presentation, and
4. Motion/discussion/vote.

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.



**ORDINANCE 2013-15**  
**REZONING TO HTO (+/- 80.88 ACRES)**  
**SE QUADRANT SOUTH CAROTHERS PKWY/EAST MCEWEN DR**  
**FRANKLIN MUNICIPAL PLANNING COMMISSION**  
**4/25/13**



Approximate Proposed HTO Area

**Legend**

**Zoning**

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #2e8b57; border: 1px solid black; margin-right: 5px;"></span> AG Agricultural District</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffcc00; border: 1px solid black; margin-right: 5px;"></span> ER Estate Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ffff00; border: 1px solid black; margin-right: 5px;"></span> R-1 Residential District</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ff6600; border: 1px solid black; margin-right: 5px;"></span> R-2 Residential District</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #6aa84f; border: 1px solid black; margin-right: 5px;"></span> R-3 Residential District</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #808000; border: 1px solid black; margin-right: 5px;"></span> Historic Core Residential District</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ff9966; border: 1px solid black; margin-right: 5px;"></span> RX Residential Variety</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #00bfff; border: 1px solid black; margin-right: 5px;"></span> OR Office Residential District</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #0000ff; border: 1px solid black; margin-right: 5px;"></span> GO General Office District</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #800000; border: 1px solid black; margin-right: 5px;"></span> CC Central Commercial District</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ff00ff; border: 1px solid black; margin-right: 5px;"></span> NC Neighborhood Commercial District</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #ff00ff; border: 1px solid black; margin-right: 5px;"></span> GC General Commercial District</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #add8e6; border: 1px solid black; margin-right: 5px;"></span> MN Neighborhood Mixed-Use District</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #f5deb3; border: 1px solid black; margin-right: 5px;"></span> ML Local Mixed-Use District</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #696969; border: 1px solid black; margin-right: 5px;"></span> MX Regional Mixed-Use District</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #808000; border: 1px solid black; margin-right: 5px;"></span> LI Light Industrial District</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #cccccc; border: 1px solid black; margin-right: 5px;"></span> HI Heavy Industrial District</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #0000ff; border: 1px solid black; margin-right: 5px;"></span> CI Civic and Institutional District</li> </ul> |
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