

FRANKLIN MUNICIPAL PLANNING COMMISSION REPORT

NAME OF PROJECT: Ordinance to rezone ±10.33 acres from Low Residential District (R-1) TO Agricultural District (AG) for the properties located at 4108 and 4114 Murfreesboro Road, by the City of Franklin, Tennessee

LOCATION: 4108 and 4114 Murfreesboro Road

APPLICANT: Greg Gamble, Gamble Design Collaborative

OWNER: William and Dorothy Wanamaker

TYPE OF REVIEW: Rezoning

RECOMMENDATION: Favorable Recommendation to BOMA

PROJECT INFORMATION	
Existing Land Use	Detached Residential/Commercial (Nursery/Landscape Business)
Proposed Land Use	Detached Residential/Commercial (Nursery/Landscape Business)
Existing Zoning	R-1
Proposed Zoning	AG
Acreage	10.33 acres
Development Standard	Conventional
Character Area Overlay	SWCO-2
Other Applicable Overlays	N/A

SURROUNDING ZONING AND LAND USE		
Location	Land Use	Zoning
<i>North</i>	Detached Residential	R-1
<i>South</i>	Detached Residential	County
<i>East</i>	Detached Residential	R-1
<i>West</i>	Detached Residential	R-1

LAND USE PLAN RECOMMENDATIONS

This area is largely either built out or committed through approved Concept Plans and typically includes attached and detached residential, parks and open space, with limited institutional and commercial uses. However, there are significantly sized parcels that are currently vacant or agricultural which may be considered for development in the future.

Existing uses are predominantly attached or detached residential. New development shall be consistent with these predominate uses.

Civic and Institutional uses, such as but not limited to schools and churches, are appropriate in nodes located at major intersections of collector or arterial streets or along Murfreesboro Road so long as the site design and traffic implications area adequately addressed.

There are currently limited commercial and other nonresidential uses are sprinkled throughout this special area. Because Special Areas within Seward Hall Character Area are identified as potential Activity Areas, additional commercial, office or retail uses are not supported.

PROJECT BACKGROUND:

This request is to rezone the property at 4108 and 4114 Murfreesboro Road from R-1 to AG to bring the property into conforming use. The property currently functions as a single-family residence and a landscape business. The landscape business use is not permitted in the R-1 zoning district, but is an allowed use in the AG district. The landscape business was in operation on this property when the property was annexed by the City in 2008. The property had previously been zoned Suburban Estate Residential by the county, but the commercial use had been permitted under a special exemption. A condition of the special exemption was that the property was required to serve as a single-family residence, in addition to the nursery. Just prior to 2008, the residence was converted to an office, which resulted in non-conforming use status with the county. Soon after, the property was annexed by the City of Franklin and zoned to R-1. The property owner has continued to work with the local governmental entities to resolve the non-conforming use status. To remedy the non-conforming status, the property owner is requesting to rezone the property from R-1 to AG.

PROJECT REVIEW

STAFF RECOMMENDATION: Favorable Recommendation to BOMA;

COMMENTS: None;

PROCEDURAL REQUIREMENTS:

1. The city's project identification number shall be included (and updated) 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

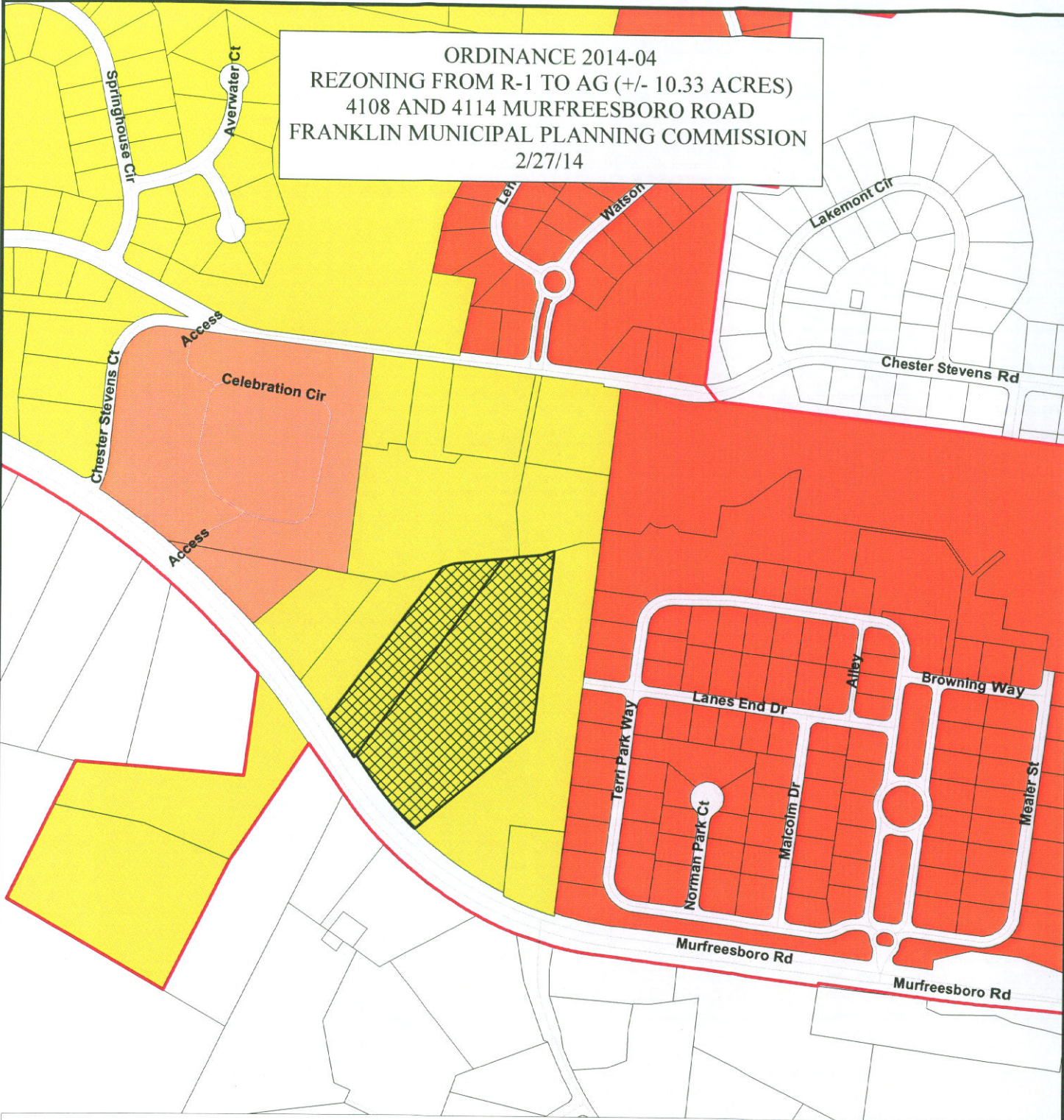
If the applicant has questions about, or is in disagreement with, a condition of approval, they shall contact the project planner within the Department of Planning and Sustainability prior to the FMPC meeting. If the applicant fails to notify the Department of Planning and Sustainability of an objection 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.

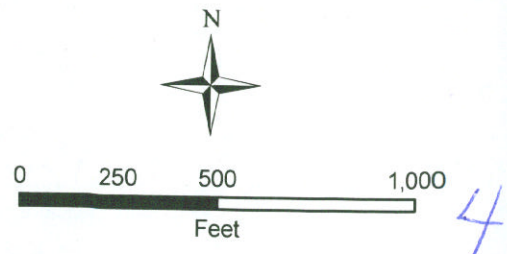
ORDINANCE 2014-04
REZONING FROM R-1 TO AG (+/- 10.33 ACRES)
4108 AND 4114 MURFREESBORO ROAD
FRANKLIN MUNICIPAL PLANNING COMMISSION
2/27/14



Legend

- | | |
|--|---|
|  4108_and_4114_Murfreesboro_Road |  GO General Office District |
|  AG Agricultural District |  CC Central Commercial District |
|  ER Estate Residential |  NC Neighborhood Commercial District |
|  R-1 Residential District |  GC General Commercial District |
|  R-2 Residential District |  MN Neighborhood Mixed-Use District |
|  R-3 Residential District |  ML Local Mixed-Use District |
|  Historic Core Residential District |  MX Regional Mixed-Use District |
|  RX Residential Variety |  LI Light Industrial District |
|  OR Office Residential District |  HI Heavy Industrial 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.



ORDINANCE 2014-04

TO BE ENTITLED "AN ORDINANCE TO REZONE ±10.33 ACRES FROM LOW RESIDENTIAL DISTRICT (R-1) TO AGRICULTURAL DISTRICT (AG) FOR THE PROPERTIES LOCATED AT 4108 AND 4114 MURFREESBORO ROAD, BY THE CITY OF FRANKLIN, TENNESSEE."

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 is hereby, rezoned from its present zoning classification of Low Residential District (R-1) to Agricultural District (AG):

Zoning Reference Number: 14-01:

Map-Group-Parcel	Acres
080-03901	2.69
080-03900	7.64
TOTAL	10.33

5

Legal Description

EXHIBIT "A"

Beginning at an iron pin on the North right of way HWY. 96 George Lynch's SW corner, said iron pin being North 49° 22' 37" West, 745.90 feet from a concrete monument of South Central Bell Telephone Co., these with said right of way of Hwy. 96 and with a curve to the let having the following characteristics, Delta is equal to 03° 15' 17", Radius is equal to 2905.00 feet, length is equal to 165.02 feet, Chord is equal to North 32° 46' 36" West, 165.00 feet to an iron pin in the Southeast corner of Tract I, Thomas Hawkins Subdivision, thence leaving said road and with Tract I, North 36° 48' 23" East, 664.02 feet to an iron in Paul Tune, Sr. line, thence with his line, North 71° 52' 56" East, 25.36 feet to an existing iron pin, thence North 84° 08' 10" East, 184.19 feet to an existing iron pipe, George H. Lynch's Northwest corner, thence with said Lynch, South 36° 30' 00" West 867.18 feet to the point of beginning, containing 2.69 acres, more or less, and being Tract II of the Thomas Hawkins Subdivision, recorded in Plat Book 8, Page 105, Register's Office for Williamson County, Tennessee, according to a survey by Perry A. Chapdelaine, Jr., dated 6/8/82.

Being the same property conveyed to M. Wesley Hall, III and wife Carolyn M. Hall by Quitclaim Deed dated September 25, 1998 and filed for record on October 7, 1998 in Book 1735, Page 940, Register's Office for Williamson County, Tennessee.

This conveyance is subject to any and all existing easements and restrictions as shown of record including those listed in Plat Book 8, Page 105; Water Rights in Book 94, page 175; MTEMC Easements in Book 497, page 445; Restrictions in Book 337, page 79, Register's Office for Williamson County, Tennessee.

THIS CONVEYANCE IS SUBJECT TO AGREED ORDER OF POSSESSION DOCKET #I-01271 of record in Book 175, page 56, Circuit Court for Williamson County, Tennessee.

EXHIBIT "A"

Land in Williamson County, Tennessee, beginning at an iron pin in the east margin of Tennessee Highway 96, said point being 548 feet along said highway from Leo Lynch's southwest corner; thence with a new line North 36 deg. 30 min. East 865 feet to an iron pin in Tune's fence line; thence with Tune's fence line North 84 deg. East 115.4 feet and North 71 deg. East 61 feet to an iron pin; thence with a new line South 5 deg. 30 min. West 639 feet to an iron pin; thence South 51 deg. West 540 feet to an iron pin in the east margin of Tennessee Highway 96; thence with the east margin with the four following calls: North 47 deg. 45 min. West 52 feet, North 39 deg. 45 min. West 111 feet, North 36 deg. West 111 feet and North 34 deg. 45 min. West 50 feet to the point of beginning and containing 7.64 acres, mor or less, according to the survey of Billy Carl Tomlin dated March 30, 1979.

Being the same property conveyed to Classic Treescap, L.L.C., by deed from Tennessee Bush Farm, Inc., of record in Book 2657, page 921, Register's Office for Williamson County, Tennessee

INCLUDED in the above description but expressly EXCLUDED therefrom is the following described tract of land conveyed to State of Tennessee, to-wit.

Beginning at the point of intersection of the existing northeast margin of State Route 96 and the southeast boundary of the M.Wesley Hall, III and wife property, said point of intersection being 51.87 feet left of State Route 96 proposed centerline station 2+958.894; thence with said southeast boundary North 36 deg. 26 min. 37 sec. East 1 foot more or less to a point, said point being 52.49 feet left of State Route 96 proposed centerline station 2+958.822, thence with the proposed northeast margin of said road having a 1259.84 foot radius curve left and southeasterly 322.56 feet to a point said point being 52.49 feet left of State Route 96 proposed centerline station 3+061,234; thence with the northwest boundary of the John. D. Harper and wife property South 48 deg. 57 min. 47 sec. West 10,98 feet to a point, said point being 41.59 feet left of State Route 96 proposed centerline station 3+060,810; thence with said existing margin northwesterly 323 feet more or less to the point of beginning, containing 1619 square feet.

Being the same property conveyed to State of Tennessee by deed from David Hosfield and wife, Ann Hosfield, of record at Book 2227, page 628, 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:

PASSED FIRST READING:

PUBLIC HEARING HELD:

PASSED SECOND READING:

PASSED THIRD READING:

