

ORDINANCE 2014-04

TO BE ENTITLED "AN ORDINANCE TO REZONE +/- 7.64 ACRES FROM LOW RESIDENTIAL (R1) DISTRICT TO AGRICULTURAL (AG) DISTRICT FOR THE PROPERTY LOCATED AT 4114 MURFREESBORO 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 Low Residential District 1 (R1) to Agricultural (AG):

Zoning Reference Number: 14-01:

Map-Group-Parcel	Acres
080---03900	±7.64
TOTAL	±7.64

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 629 feet to an iron pin; thence South 31 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, more or less, according to the survey of Billy Carl Tomlin dated March 30, 1979.

Being the same property conveyed to Classic Treescape, L.L.C., by deed from Tennessee Burn Farm, Inc., of record in Book 2637, 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 1259.54 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
RECOMMENDED APPROVAL: April 24, 2014

PASSED FIRST READING: May 27, 2014

PUBLIC HEARING HELD: June 24, 2014

PASSED SECOND READING: June 24, 2014

PASSED THIRD READING: _____

FRANKLIN MUNICIPAL PLANNING COMMISSION REPORT

NAME OF PROJECT: Ordinance to rezone ±7.64 acres from Low Residential District (R-1) TO Agricultural District (AG) for the properties located at 4114 Murfreesboro Road, by the City of Franklin, Tennessee

LOCATION: 4114 Murfreesboro Road

APPLICANT: Greg Gamble, Gamble Design Collaborative

OWNER: Steven D. Wananmaker

TYPE OF REVIEW: Rezoning

RECOMMENDATION: Favorable Recommendation to BOMA

PROJECT INFORMATION	
Existing Land Use	Commercial (Nursery/Landscape Business)
Proposed Land Use	Commercial (Nursery/Landscape Business)
Existing Zoning	R-1
Proposed Zoning	AG
Acreage	7.64 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 4114 Murfreesboro Road from R-1 to AG to bring the property into conforming use. The property currently functions as 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. In response to neighborhood concerns, the applicant has chosen to only request a rezoning to the commercial property, and to leave the property with the single family structure within the R-1 zoning district. To remedy the non-conforming status of the commercial business, the property owner is requesting to rezone the property from R-1 to AG.

PROJECT REVIEW

STAFF RECOMMENDATION: Favorable Recommendation to BOMA

COMMENTS: None;

See attached pages for a list of staff recommended conditions of approval.

PROCEDURAL REQUIREMENTS:

1. Fifteen (15) half-size copies of the Rezoning 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.
2. 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.

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.

COF# 2952

CONDITIONS OF APPROVAL:

Engineering

General Comments

1. Notes

- The title of sheet C 2.0 is to be shown as BOUNDARY MAP.
- Updated.
- The correction remains to be made in the lower right main window of sheet **C 2.0**.

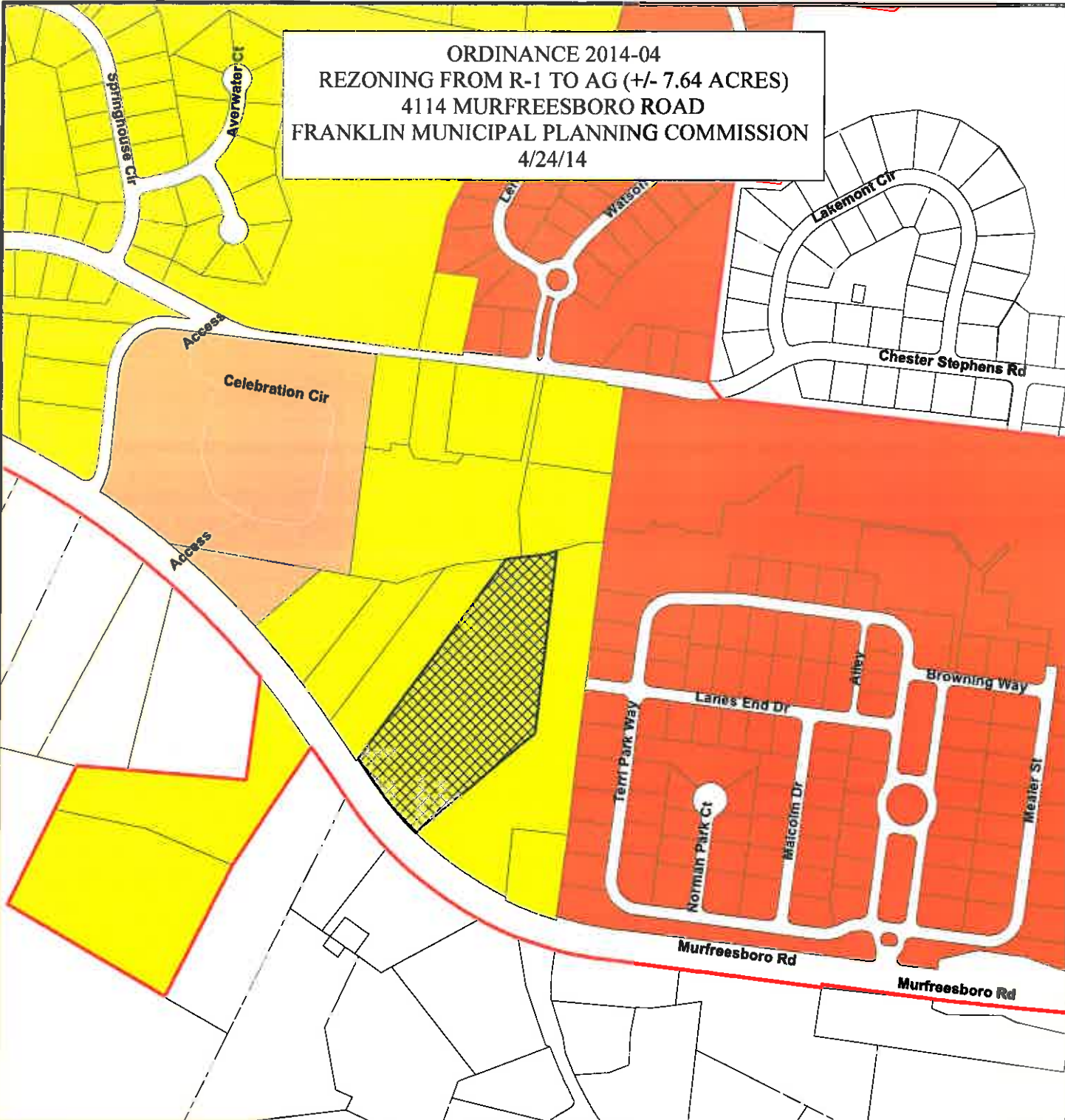
Zoning

[Rezoning Request 3.10.14.pdf](#)

2. Zoning

- If this rezoning is approved by BOMA, all aspects of the nursery business shall be removed from the adjacent property to the west. This shall include the vehicular connections to this adjacent property
- noted.
- If this rezoning is approved by BOMA, all aspects of the nursery business shall be removed from the adjacent property to the west. This shall include the vehicular connections to this adjacent property.

ORDINANCE 2014-04
 REZONING FROM R-1 TO AG (+/- 7.64 ACRES)
 4114 MURFREESBORO ROAD
 FRANKLIN MUNICIPAL PLANNING COMMISSION
 4/24/14



Legend

4114MurfreesboroRoad

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

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.





HISTORIC
FRANKLIN
TENNESSEE

ITEM #8
WRKS
05/13/14

MEMORANDUM

April 24, 2014

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
Brad Baumgartner, Planning Assistant

SUBJECT: Ordinance 2014-04, a rezoning request for 4114 Murfreesboro Road from Low Residential (R-1) to Agricultural (AG) on 7.64 acres

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen with information regarding a rezoning request for 4114 Murfreesboro Road from Low Residential (R-1) to Agricultural (AG) on 7.64 acres.

Background

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

This rezoning request was recommended (7-1, Ann Petersen voting against) by the Planning Commission at the April 24, 2014 FMPC meeting.

Financial Impact

Not applicable to this item.

Options

Not applicable to this item.

Recommendation

Approval of the rezoning is recommended.