

ORDINANCE 2010-39

ORDINANCE 2010-39, TO BE ENTITLED “AN ORDINANCE TO REZONE 106.15 ACRES FROM ESTATE RESIDENTIAL (ER) TO CIVIC AND INSTITUTIONAL (CI) FOR PROPERTY LOCATED AT 111 DANIEL MCMAHON LANE.”

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 Estate Residential (ER) to Civic and Institutional (CI):

Zoning Reference Number: 10-04:

Map--Parcel	Acres
63--22.00	106.15
TOTAL	106.15

ALL THAT IS CERTAIN TRACT OR PARCEL OF LAND, situate in the Ninth Civil District, Williamson County, Tennessee. Said parcel of land shown on the Williamson County Property Map 63 as parcel 22.00. Being the same property conveyed to D.C. Bowman by Deed of record in deed book 62, page 102 and deed book 62, page 213, Register’s Office of Warehouse County, Tennessee (R.O.W. C., TN). D.C. Bowman died intestate on May 9, 1957, his sole heir-at-law was his son, Dunklin C. Bowman, Jr.

Said property is more particularly described as follows:

BEGINNING, at a found iron pin at the Northeast corner and lands owned by The City of Franklin, of record in deed book 924, page 386, R.O.W.C., TN. Said pin being on the Southerly line of Mack Hatcher Parkway as conveyed to the State of Tennessee by instrument of record in deed book 1071, page 271 R.O.W. C, TN.

Thence, along the Southerly line of Mack Hatcher Parkway as conveyed to the State of Tennessee by instrument of record in deed book 1071 page 271, R.O.W.C., TN, the following eleven (11) courses;
N 74° 49’ 25” E a distance of 43.16 feet to a set iron pin and cap (RLS 2039);
Thence, along a curve to the right, having a radius of 2166.83 feet, an arc distance of 657.80 feet and a chord bearing N 85° 59’ 16” E a distance of 655.28 feet to a found concrete right-of-way monument;

Thence, S 82° 44' 51" E a distance of 291.76 feet to a set iron pin and cap (RLS 2039);
Thence, S 81° 30' 54" E a distance of 902.22 feet to a found concrete right-of-way monument;
Thence, S 78° 04' 53" E a distance of 250.45 feet to a found concrete right-of-way monument;
Thence, S 85° 48' 15" E a distance of 200.56 feet to a found concrete right-of-way monument;
Thence, S 78° 39' 09" E a distance of 200.25 feet to a found concrete right-of-way monument;
Thence, S 85° 36' 02" E a distance of 140.36 feet to a found concrete right-of-way monument.
Thence, S 07° 03' 16" W a distance of 64.73 feet to a found concrete right-of-way monument;
Thence, S 36° 51' 16" E a distance of 68.62 feet to a set iron pin and cap (RLS 2039);
Thence, S 89° 51' 29" E a distance of 34.44 feet to a set iron pin and cap (RLS 2039) on the West line of lands owned by Adkerson Creekside Farm, of record in deed book 1606, page 532, R.O.W.C., TN.;
Thence, S 06° 07' 20" W a distance of 998.26 feet, along the West line of said lands of Adkerson Creekside Farm, flowing an old stone wall, to a set iron pin and cap (RLS 2039) at the Southwest corner of said lands of Adkerson Creekside Farm;
Thence, S 49° 54' 47" E a distance of 275.22 feet, along the Southerly line of said lands Adkerson Creekside Farm, following an old stone wall, to a point in the centerline of Franklin Road (60' right-of-way);
Thence, S 33° 20' 13" W a distance of 282.31 feet, along the centerline of said Franklin Road, to a point in the centerline of Franklin Road on a south projection of the East line of lands owned by John Walter Guider, of record in deed book 1829, page 336, R.O.W.C., TN;
Thence, N 00° 04' 57" W a distance of 163.35 feet, leaving the centerline of Franklin Road, along the East line of said lands of Guider, to a set iron pin and cap (RLS 2039) at the Northeast corner of said lands of Guider;
Thence, along the North line of said lands of Guider, the following five (5) courses;
N 49° 33' 04" W distance of 99.00 feet to a set iron pin and cap (RLS 2039);
Thence, N 06° 25' 15" E a distance of 49.67 feet to a found iron pin;
Thence, N 84° 12' 20" W a distance of 491.70 feet to a point in the center of Spencer Creek;
Thence, S 40° 40' 58" W a distance of 95.27 feet, along the center of Spencer Creek, to a point;
Thence, N 89° 17' 49" W a distance of 610.47, feet leaving the center of Spencer Creek, to a found iron pin in an old stone wall, at the Northwest corner of said lands of Guider;
Thence, S 06° 15' 14" W a distance of 23.24 feet, along the West line of said lands of Guider, to a set iron pin in an old stone wall, at the Northwest corner of

lands owned by the City of Franklin, of record in deed book 3390, page 181, R.O.W.C., TN.;

Thence, along the Northerly line of said lands of the City of Franklin, the following three (3) courses;

N 82° 17' 29" W a distance of 283.54 feet, Along an old stone wall, to a set iron pin and cap (RLS 2039) in an old stone wall;

Thence, S 29° 15' 42" W a distance of 410.06 feet to a set iron pin and cap (RLS 2039);

Thence, N 82° 11' 31" W a distance of 1222.71 feet, following along an old wire fence line and remnants of an old stone wall, to a found iron pin at the Northwest corner of said lands of the City of Franklin and on the East line of lands owned by the City of Franklin, of record in deed book 924, page 386, R.O.W.C., TN.;

Thence, N 08° 06' 36" E a distance of 1786.27 feet, along the East line of said lands of the City of Franklin, to the point of beginning, containing 106.151 acres of land, more or less.

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 STUCKEY
CITY ADMINISTRATOR/RECORDER

BY: _____
JOHN SCHROER
MAYOR

PLANNING COMMISSION RECOMMENDED APPROVAL: 5/27/10

PASSED FIRST READING: 6/22/2010

PUBLIC HEARING HELD: _____

PASSED SECOND READING: _____

PASSED THIRD READING: _____



June 3, 2010

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator
Vernon Gerth, Assistant City Administrator for Community and Economic Development
Catherine Powers, Planning and Sustainability Director

SUBJECT: Ordinance 2010-39, Rezoning request for property located at 111 Daniel McMahon Lane, from Estate Residential (ER) to Civic and Institutional (CI)

Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information regarding a request for a rezoning of 106.15 acres, located at 111 Daniel McMahon Lane, from Estate Residential (ER) to Civic and Institutional (CI). (Ordinance 2010-39)

Background

The applicant requests to rezone this property from Estate Residential (ER) to Civic and Institutional (CI) in order to construct a church on this site. This property is proposed for the Franklin First United Methodist PUD that is following this rezoning request and to be approved by Resolution 2010-40.

The following are the recommendations from the Land Use Plan:

Franklin Road in this area is considered to be the last rural gateway into Central Franklin. This area will remain a prominent and important gateway and corridor into Central Franklin. Established land uses include homesteads, farmsteads and large estate single family residential uses. Future development will be limited and may include clustered residential and institutional uses that maintain substantial areas of open space and preserve rural viewsheds.

Building scale should be limited to 1-2 stories with an exception for civic and institutional buildings, which are subject to the PUD review process during which an alternative maximum height may be established. Corridor setbacks shall be a minimum of 150 feet. There shall not be parallel drives within the setback. Orientation of structures shall address the streets with no rear yards between the structures and Mack Hatcher Memorial Parkway and Franklin Road. There shall be an emphasis on viewing open space from Franklin Road and Mack Hatcher Memorial Parkway, as opposed to structures.

Open space should predominate the landscape. Significant areas of open space should be located along Franklin Road, hillsides and hillslopes. Specific areas are east of Franklin Road that includes Ropers Knob and west of Franklin Road that includes Harlinsdale Farm Park. An emphasis shall be placed on preserving significant amounts of open space south of Mack Hatcher Memorial Parkway. There shall be a restriction on over-lot grading techniques that dramatically alter site vegetation and topography. Development shall use the natural, existing topography and minimize grading to the maximum extent practicable.

Additional roadway connectivity is needed and may be addressed by using the Proposed Circulation map in the Central Franklin Area Plan as a guide. Depicted on the map provides additional street interconnectivity is needed between Hillsboro and Franklin Roads, with a connection to Mack Hatcher. New local streets shall be rural in



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character, with swales instead of curbs, informal street-tree plantings and traditional rural elements, such as woodplank fencing and stone walls.

In order to promote a system that balances the needs for all users of the system, important bicycle and pedestrian facilities are recommended in the Greenway and Open Space Plan support both circulation and open space objectives and are found on the Proposed Open Space Network map in the Central Franklin Area Plan. Both the Greenway and Open Space Plan and the Central Franklin Area Plan propose a greenway along Spencer Creek. Greenways offer significant connections between destinations for pedestrians and cyclists as well as a much desired recreational amenity to their communities. Greenways and open space corridors also provide for wildlife and habitat preservation.

This rezoning request was unanimously favorably recommended onto the Board of Mayor and Alderman by a vote of 8 to 0 at the May 27, 2010, of the Franklin Municipal Planning Commission meeting.

Financial Impact

Not applicable to this item.

Options

Not applicable to this item.

Recommendation

Favorable Recommendation of Ordinance 2010-39 onto BOMA, with the following conditions:

1. Under Zoning Overlays, the applicant shall add Central Franklin Character Area Overlay-5 (CFCO-5). (Plan)
2. Information under Character Area should be revised to say, "Central Franklin Character Area, Special Area 5." (Plan)

May 28, 2010

Ms. Emily Hunter
Planning Department
City of Franklin
109 Third Avenue South
Franklin, Tennessee 37064

Re: Franklin First United Methodist Church
Rezoning Request
COF# 2032

Dear Ms. Hunter:

Barge Cauthen & Associates received the recommendation from the City of Franklin Staff regarding Ordinance 2010-39, to be Entitled "An Ordinance to Rezone 106.15 Acres from Estate Residential (ER) to Civic and Institutional (CI) for Property Located at 111 Daniel McMahon Lane." Staff's conditions of approval are listed below, with our responses in bold:

Recommendation

Favorable Recommendation of Ordinance 2010-39 onto BOMA, with the following conditions:

1. Under Zoning Overlays, the applicant shall add Central Franklin Character Area Overlay-5 (CFCO-5). (Plan) **Complete.**
2. Information under Character Area should be revised to say, "Central Franklin Character Area, Special Area 5." (Plan) **Complete.**
3. Fifteen (15) half-size copies of the Rezoning Plan shall be submitted to the Department of Planning and Sustainability by 9am on the Tuesday after the Planning Commission meeting in order to be placed on the Board of Mayor and Aldermen agenda. (Plan) **Complete.**

Please review the responses and let me know if you have additional comments prior to the Board of Mayor and Aldermen Meeting. We appreciate your time and attention to this project.

Sincerely,



Jeff Hooper, P.E.
Vice President

cc: Mr. Stephen Brown, FFUMC
Mr. Steve Johnson, Tuck Hinton Architects

Civil Engineers

Architects

Planners

Landscape Architects



6606 CHARLOTTE PIKE, STE 210

NASHVILLE, TENNESSEE 37209

615.356.9911 PHONE

615.352.6737 F A X

WWW.BARGECAUTHEN.COM