RESOLUTION 2019-89

A RESOLUTION AMENDING THE APEX PUD SUBDIVISION TO EXTEND THE VESTED RIGHTS, FOR THE PROPERTY LOCATED IN THE NORTHEAST CORNER OF THE INTERSECTION OF CAROTHERS PARKWAY AND McEWEN DRIVE

WHEREAS, the Board of Mayor and Aldermen (BOMA) of the City of Franklin, Tennessee, has approved the zoning for the property as part of Ordinance 2016-51; and

WHEREAS, the BOMA has approved the Planned Unit Development for the property as part of Resolution 2016-88; and

WHEREAS, in accordance with the provisions of the City of Franklin, Tennessee, Zoning Ordinance, and as required by *Tennessee Code Annotated* § 13-4-310, as amended, the approval of the Development Plan by the BOMA initiates a vesting period during which the development standards adopted by the City and in effect on the date of approval; and

WHEREAS, Tennessee Code Annotated (T.C.A.) §§ 13-4-310 (d) (1) states that the vesting period applicable to a development plan shall be a period of three (3) years, beginning on the date of the local government's approval of the preliminary development plan; provided, that the applicant obtains local government approval of a final development plan, secures any necessary permits, and commences site preparation within the vesting period; and

WHEREAS, the Apex Village PUD vesting period began on March 28, 2017, and is set to expire on March 28, 2020, and the applicant has not obtained approval of a final development plan, secured any permits, or commenced site preparation; and

WHEREAS, Tennessee Code Annotated (T.C.A.) §§ 13-4-310 (h) states that an amendment to an approved development plan by the developer must be approved by the local government to retain the protections of the vested property right, and a vested property right shall not terminate if the local government determines, in writing, that it is in the best interest of the community to allow the development to proceed under the amended plan without terminating the vested property right; and

WHEREAS, the Franklin Zoning Ordinance §§ 2.4.2 (16) states that upon the expiration of a vesting period for a Development Plan, construction may not proceed unless a new Development Plan is approved by the BOMA that meets all development standards in effect at the time of approval for portions of the project not already constructed or under construction or, alternatively, the BOMA may grant an extension of the vesting period if it determines, in writing, that it is in the best interest of the community to allow the development to proceed without terminating the vested property right; and

WHEREAS, the applicant has requested an extension of the vesting period for one year, until March 28, 2021.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS:

SECTION I. That the legal description of the property included in the Development Plan is as follows:

PREMISES CONSIDERED

Map-Parcel	Acres
06201417	5.84
06201418	17.77
Total	23.61

SECTION II. That the attached Location Map and Survey shall serve the purpose of further delineating the geographical boundaries as described by this Resolution.

SECTION III. That the overall entitlements for the Apex Village PUD Subdivision, as outlined below and through Exhibit A, are as follows:

Entitlements	Apex Village PUD
Base Zone District	Specific Development-Variety SD-X (14.61/350,000/200)
Character Area Overlay	MECO-4
Other Zoning Overlays	FFO, FWO
Development Standard	Conventional
Number of Dwelling Units	345
Number of Nonresidential	300,000 SF Office
Square Footage	50,000 SF Retail
Number of Hotel Rooms	200
Connectivity Index	1.57
Open Space Requirements	1.18 acres
Number of Phases in Development	1

SECTION IV. That the original vesting period was initiated on March 28, 2017, and was set to expire on March 28, 2020. The Board of Mayor and Aldermen have concluded that it is in the best interest of the community to allow the development to proceed without terminating the vested property right, and, therefore, the vesting period is extended for one year until March 28, 2021, as requested by the property owner. The development plan will have until March 28, 2021, to obtain the approval of a final development plan, secure any necessary permits, and commence site preparation. If these requirements are met, then the vesting period shall be extended an additional two (2) years to commence construction and maintain any necessary permits to remain vested.

SECTION V. That the total vesting period of ten (10) years shall not be extended. If construction commences during this extended vesting period, the development standards applicable during the vesting period shall remain in effect until the local government has certified final completion of the development or project; provided, the total vesting period for the project shall not exceed ten (10) years from the date

of the original approval of the preliminary development plan (March 28, 2017) and shall remain at March 28, 2027.

SECTION VI. That the Development Plan, the exhibits accompanying the Development Plan, and all conditions and restrictions placed upon the original Development Plan by the Franklin Municipal Planning Commission and this Board shall be made a part of this Resolution as though copied verbatim herein, and that a permanent record of the Development Plan, the exhibits accompanying the Development Plan, and all such conditions and restrictions shall be kept in the Franklin Planning and Sustainability Department.

SECTION VII. BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Resolution shall take effect from and after its passage on final reading, the health, safety, and welfare of the citizens requiring it.

ATTEST:	CITY OF FRANKLIN, TENNESSEE:
Eric S. Stuckey	Dr. Ken Moore
City Administrator	Mayor
Approved as to form by:	
Shauna R. Billingsley City Attorney	
PLANNING COMMISSION RECOMMENDED:	
PUBLIC HEARING HELD:	

DEVELOPMENT PLAN SUBMITTAL

APEXVILLAGE

PUD DEVELOPMENT PLAN

SD-X (SPECIFIC DEVELOPMENT - MIXED USE)

FRANKLIN, TENNESSEE

CITY OF FRANKLIN PROJECT NO. 6305

DECEMBER 12, 2016 REV. JANUARY 05, 2017 REV. APRIL 18, 2017

SITE DATA

CIVIL DISTRICT

PROPOSED HOTEL KEYS

SUBDIVISION/DEVELOPMENT:

APEX VILLAGE

CITY OF FRANKLIN PROJECT NUMBER

6305

TAX MAP & PARCELS

ADDRESS

CAROTHERS PARKWAY

CITY

FRANKLIN

COUNTY

WILLIAMSON

STATE

TENNESSEE

EXISTING ZONING- CHARACTER OVERLAY

OTHER APPLICABLE OVERLAYS

FLOODWAY FRINGE OVERLAY (FFO)
FLOODWAY OVERLAY DISTRICT (FWO)

APPLICABLE DEVELOPMENT STANDARDS

ACREAGE OF SITE

RESIDENTIAL DENSITY

14.61

COMMERCIAL SQUARE FOOTAGE

350,000

PROPOSED ZONING

SPECIFIC DEVELOPMENT

VARIETY (SD-X) 14.61, 350,000, 200

OWNERS REPRESENTATIVE:

ADDRESS:

CRESCENT COMMUNITIES, LLC.

205 POWELL AVENUE
BRENTWOOD, TN. 37027
615.312.8242

CONTACT NAME:

E-MAIL ADDRESS:

KHRIS PASCARELLA
kpascarella@PEARLSTREETPARTNERS.COM

APPLICANT:
ADDRESS:
210 12TH AVENUE SOUTH, SUITE 202 - NASHVILLE TN 37203
PHONE NO.:
FAX NO.:
CONTACT:

EDGE PLANNING, LANDSCAPE ARCHITECTURE & URBAN DESIGN
210 12TH AVENUE SOUTH, SUITE 202 - NASHVILLE TN 37203
(615) 250-8154
(615) 250-8155
JOHN HAAS - jhaas@edgela.com

CONTACT:

JOHN HAAS - jhaas@edgela.com

KIMLEY-HORN

ADDRESS:
214 OCEANSIDE DRIVE - NASHVILLE, TN 37204

PHONE NO.:
(615) 564-2876

RYAN McMASTER - ryan.mcmaster@kimley-horn.com

APPLICANT IS REQUESTING THE FOLLOWING:

1. SECTION 5.3.5 (3)(b) (ii) RESIDENTIAL DEVELOPMENT REQUIREMENT
(DESIGN MODIFICATION)
APPLICANT IS REQUESTING THAT MAXIMUM LENGTH OF ANY ATTACHED RESIDENTIAL BUILDING
CAN BE GREATER THAN 200 FEET.

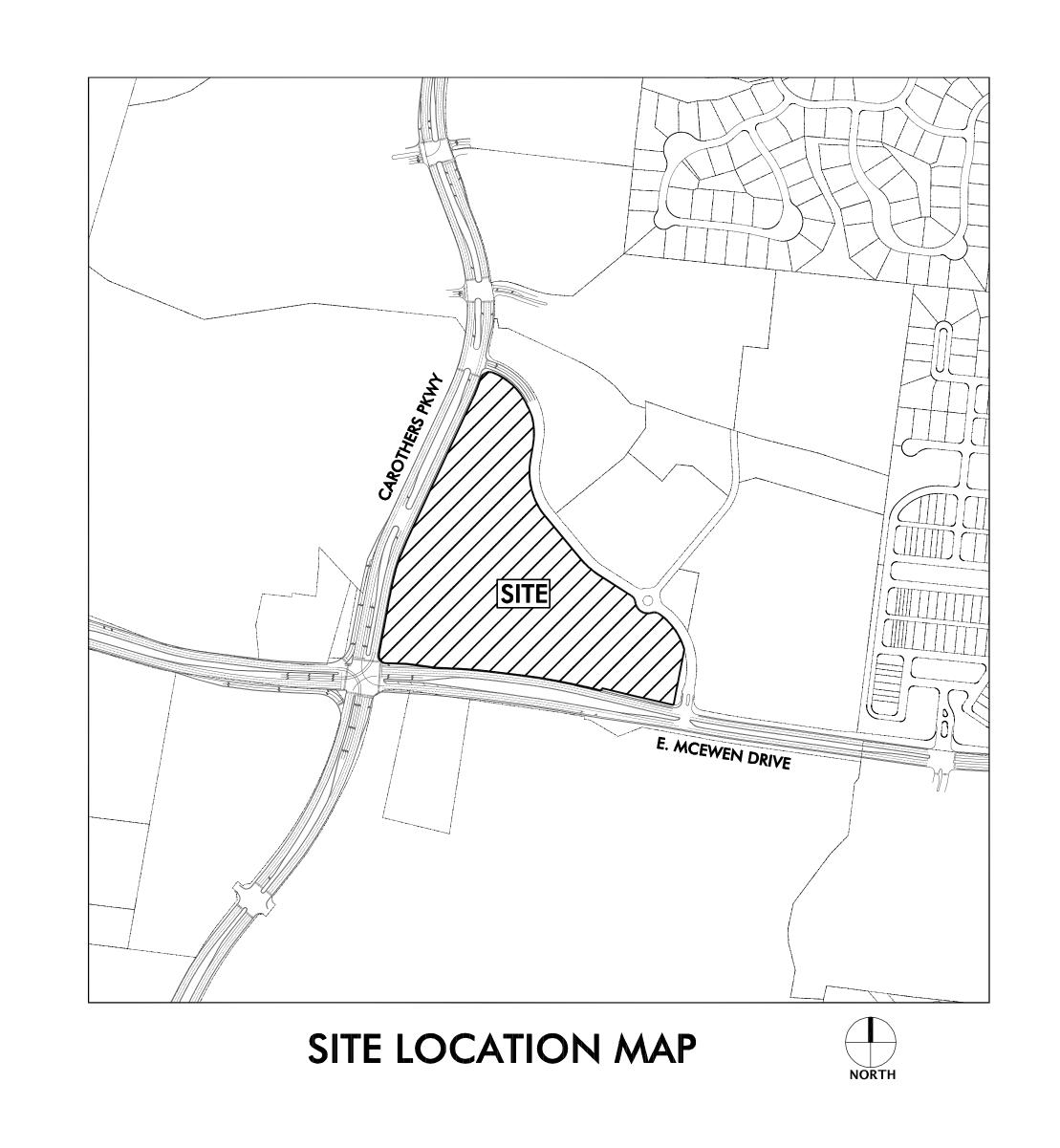
2. SECTION 5.5.4 - DEDICATION OF PUBLIC LAND FOR PARKS AND GREENWAYS/BLUEWAYS
(MODIFICATION OF STANDARDS)
APPLICANT IS REQUESTING THAT THE REQUIREMENT FOR PARKLAND DEDICATION BE SATISFIED WITH A PRIVATELY HELD AND MAINTAINED OPEN SPACE WITH AN ALL ACCESS PUBLIC EASEMENT

3. SECTION 5.10.4 (1) (iii) - CONNECTIVITY INDEX REQUIREMENT

(MODIFICATION OF STANDARDS)

APPLICANT IS REQUESTING THAT THE MINIMUM CONNECTIVITY INDEX SCORE OF 1.65 CANNOT BE

ACHIEVED DUE TO THE TOPOGRAPHIC CONDITIONS AND NATURAL FEATURES OF THE SITE.



INDEX OF SHEETS

SHEET # C-0.0 **COVER SHEET** C-1.0 OVERALL EXISTING CONDITIONS PLAN C-1.0A TREE PRESERVATION PLAN C-2.0 OVERALL DEVELOPMENT PLAN C-3.0 OVERALL GRADING, DRAINAGE, & UTILITY PLAN C-4.0 OVERALL ROW & ACCESS PLAN OFFICE, RETAIL & GARAGE ELEVATIONS A-1.0 A-2.0 RETAIL, OFFICE & HOTEL ELEVATIONS A-3.0 **MULTI-FAMILY ELEVATIONS** TOWNHOME ELEVATIONS A-4.0

THESE PLANS HAVE BEEN REVIEWED FOR CODE COMPLIANCE

Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents. [IBC: 107.4]

Please read Commercial Inspection Procedures.

By Maureen Culberson at 7:30 am, May 01, 2017

Approved plans in Application Submittal Folder # 006

PREPARED FOR: CRESCENT COMMUNITIES, LLC.

227 W. TRADE STREET, SUITE 1000 CHARLOTTE, NC. 28202 615.312.8242











ANTICIPATED IMPACT ON THE STREETS AS SHOWN IN THE MAJOR THOROUGHFARE PLAN

UNITS. BASED ON AN AVERAGE OF 0.10 SCHOOL AGE STUDENTS PER

(34 STUDENTS).

MULTI-FAMILY/TOWNHOME HOUSEHOLD, THIS WILL INCREASE THE CURRENT STUDENT

SCHOOL POPULATION BY A TOTAL OF ±104 STUDENTS WITHIN THE FOLLOWING CATEGORIES:

KENROSE ELEMENTARY (34 STUDENTS), SUNSET MIDDLE (34 STUDENTS), CENTENNIAL HIGH

Exhibit A

210 Twelfth Avenue South Suite 202 Nashville, Tennessee 37203 P 615-250-8154 F 615-250-8155

Main: 615.564.2701 | www.kimley-horn.com

PROJECT NO. COF #6305 12/12/16

Revisions 1. PER CITY COMMENTS 01.05.17

1 ONE STOP SUBMITTAL 04.18.17

Sheet Title

OVERALL DEVELOPMENT PLAN

3. SECTION 5.10.4 (1) (iii) - CONNECTIVITY INDEX REQUIREMENT

APPLICANT IS REQUESTING THAT THE MINIMUM CONNECTIVITY INDEX SCORE OF 1.65 CANNOT BE

ACHIEVED DUE TO THE TOPOGRAPHIC CONDITIONS AND NATURAL FEATURES OF THE SITE.

(MODIFICATION OF STANDARDS)

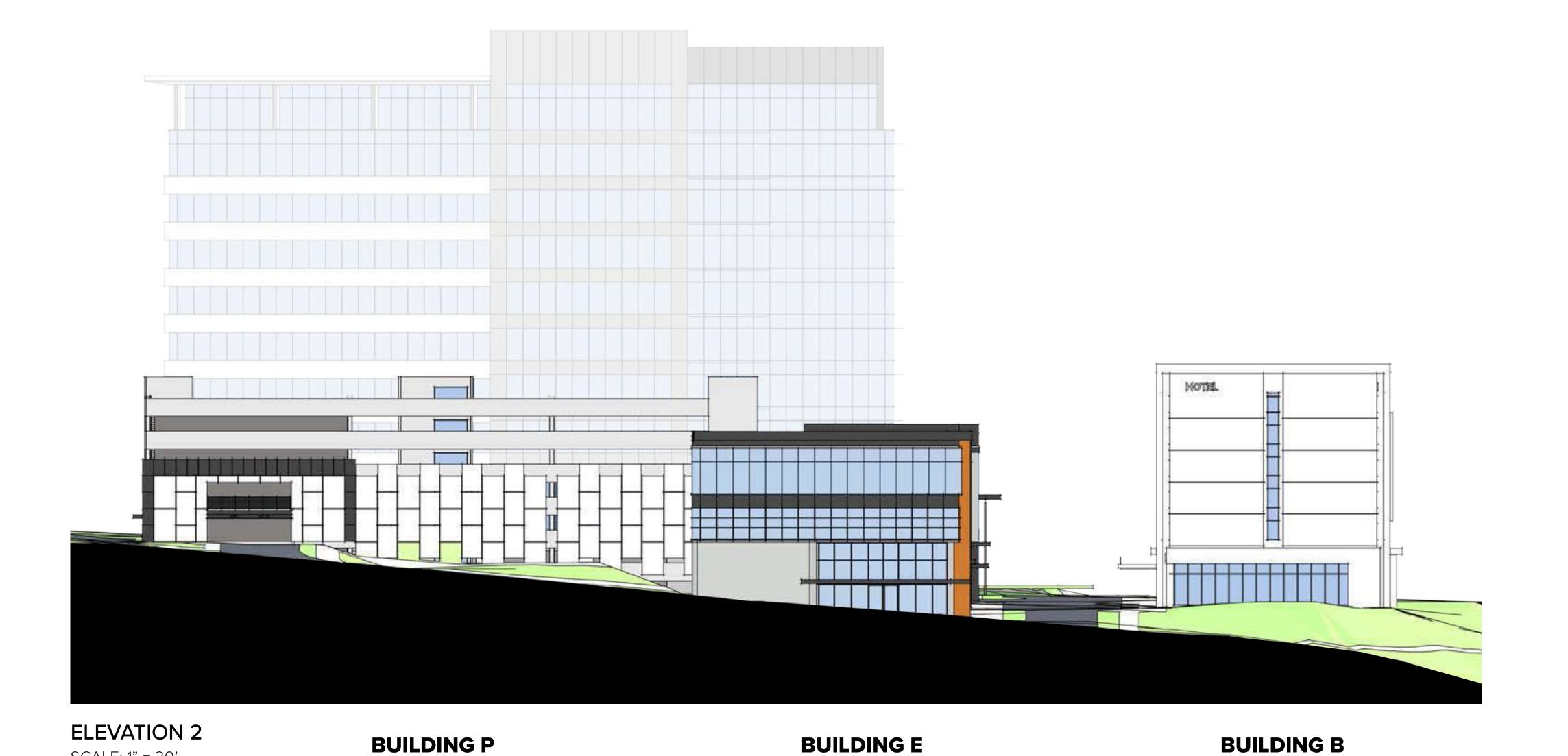
0' 30' 60' 120' NORTH

BRENTWOOD, TN 37027 (615) 312-8242 kpascarella@pearlstreetpartners.com

Sheet Number



ELEVATION 1 BUILDING F **BUILDING A** SCALE: 1" = 20'



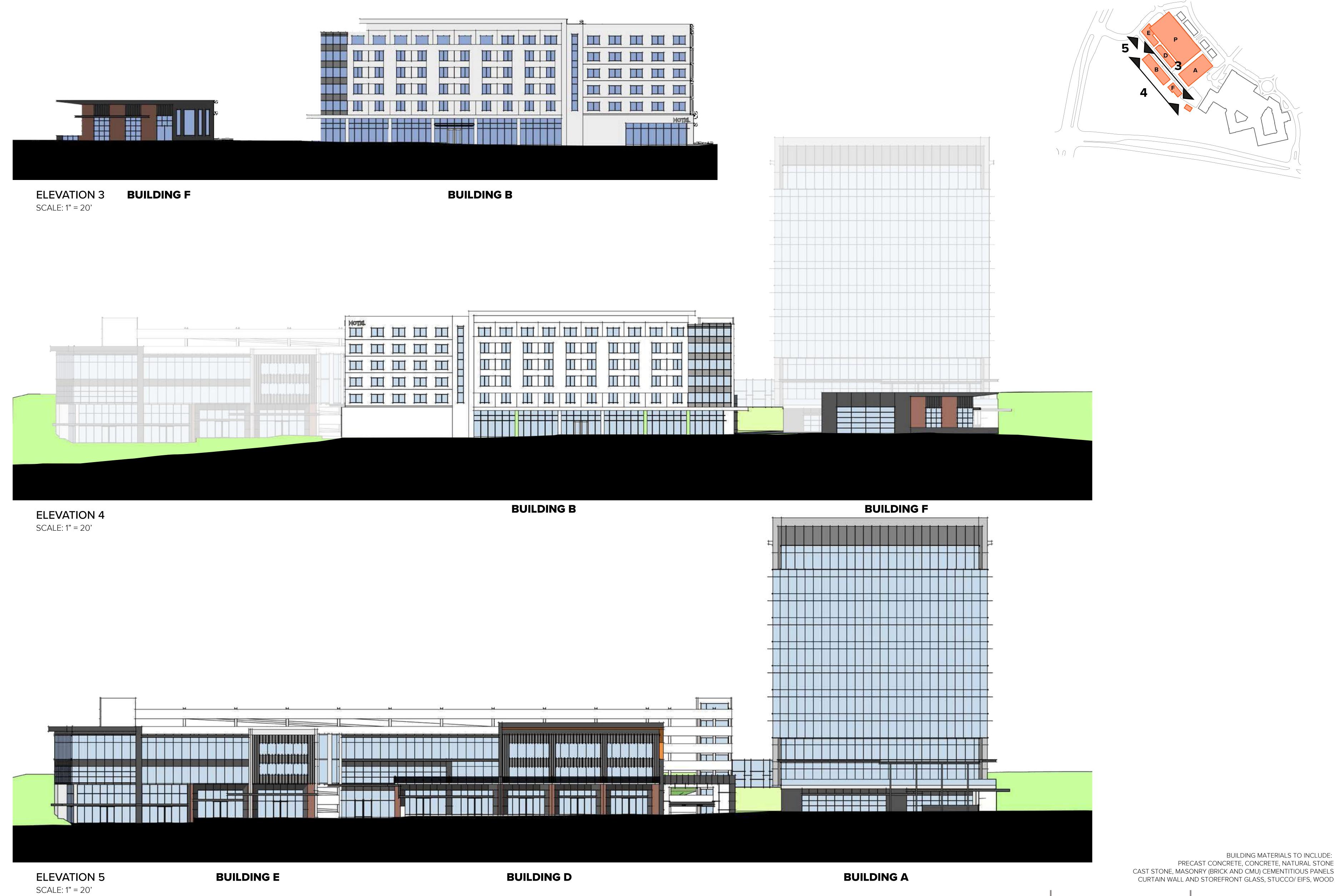




BUILDING MATERIALS TO INCLUDE: PRECAST CONCRETE, CONCRETE, NATURAL STONE CAST STONE, MASONRY (BRICK AND CMU) CEMENTITIOUS PANELS CURTAIN WALL AND STOREFRONT GLASS, STUCCO/ EIFS, WOOD



SCALE: 1" = 20'



APEX VILLAGEFranklin, TN - 16096.00 - 04/18/17

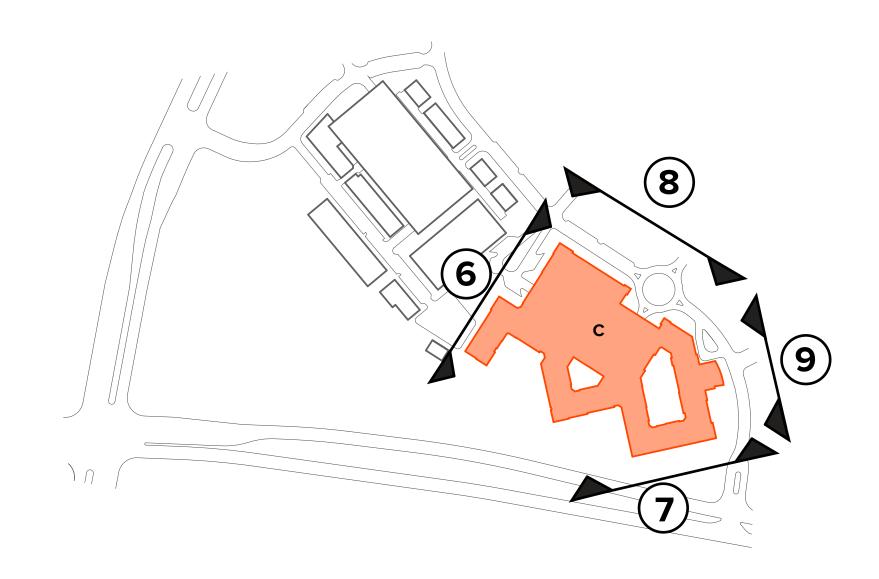
PEARL STREET



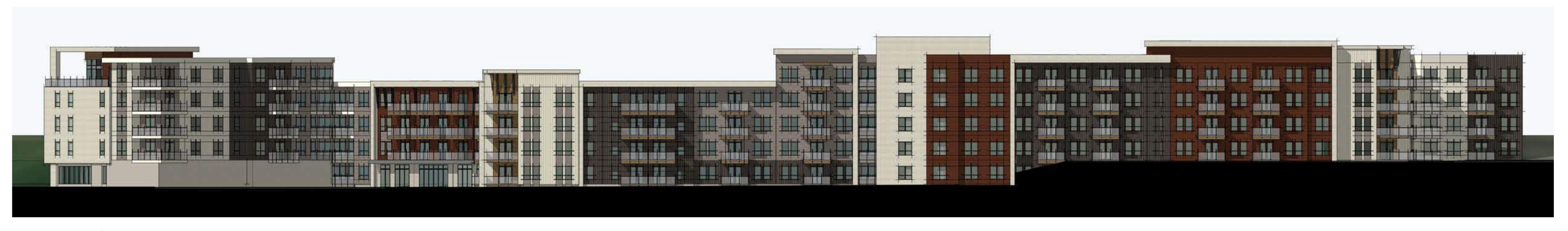
ELEVATIONS DEPICTED ARE SCHEMATIC REPRESENTATIONS ONLY AND REPRESENT

RETAIL, OFFICE & HOTEL ELEVATIONS AT SITE PLAN

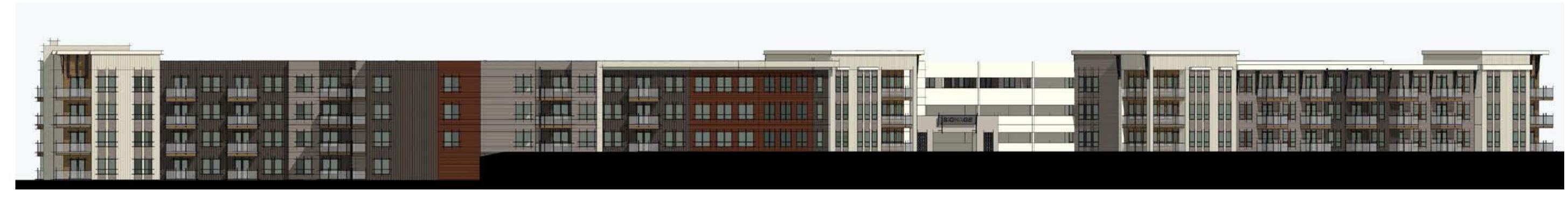




ELEVATION 6SCALE: 1" = 20'



ELEVATION 7 SCALE: 1" = 20'



ELEVATION 8 SCALE: 1" = 20'



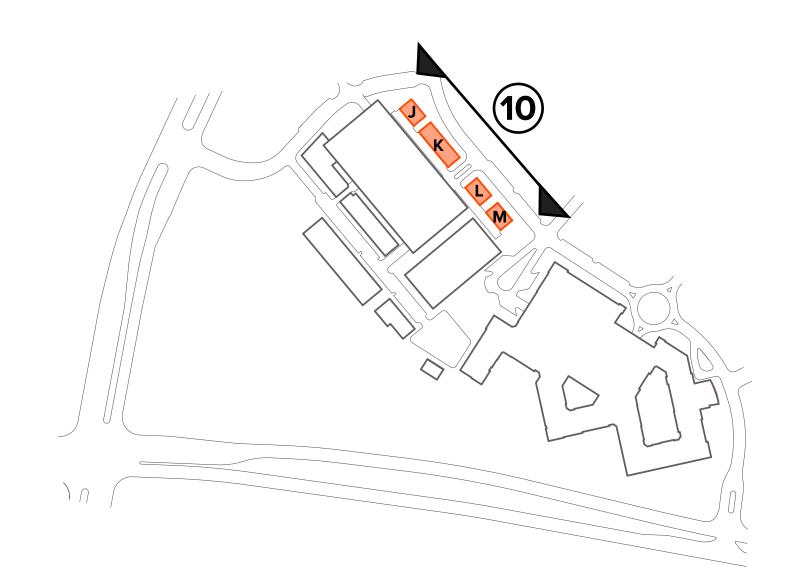
ELEVATION 9 SCALE: 1" = 20'

BUILDING MATERIALS TO INCLUDE: STUCCO, METAL PANEL, CEMENTITIOUS LAP SIDING, CEMENTITIOUS PANELS





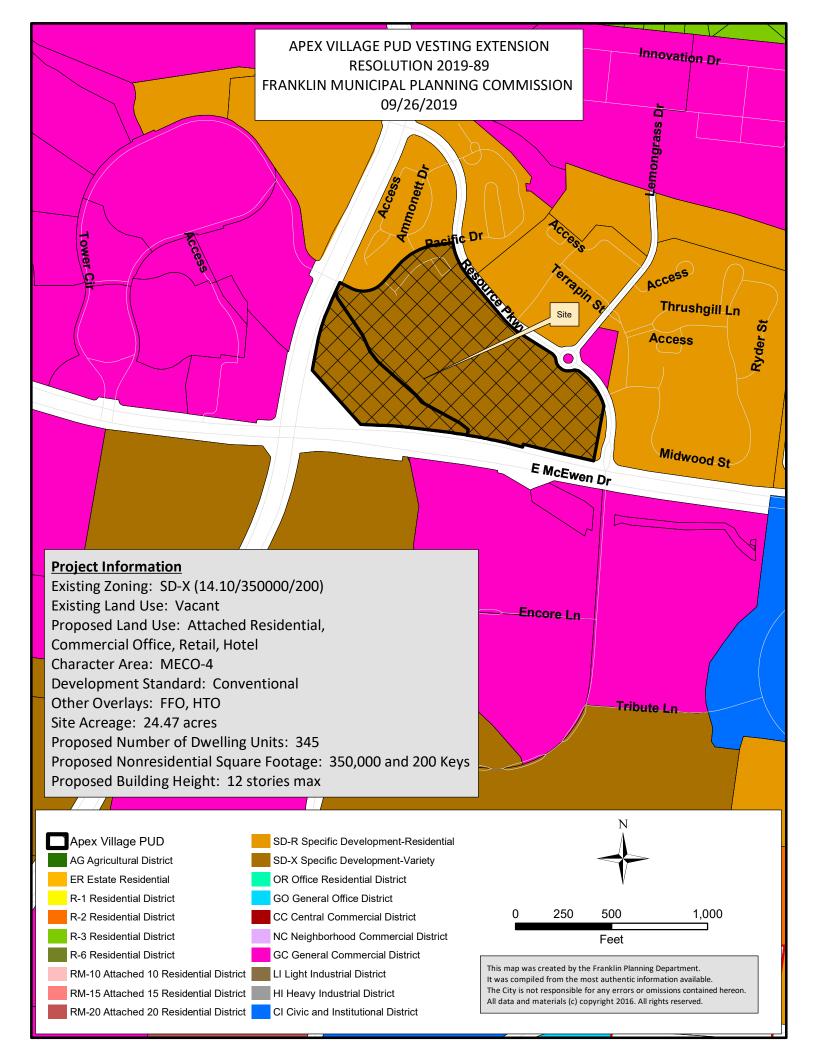




ELEVATION 10 SCALE: 1" = 20'

> BUILDING MATERIALS TO INCLUDE: STUCCO, METAL PANEL, CEMENTITIOUS LAP SIDING, CEMENTITIOUS PANELS







VANDERBILT MEDICAL GC ZONING (Conventional) LAND USE: VACANT OVATION PUD DEVELOPMENT SD-X ZONING (Conventional) LAND USE: VACANT LOCATION MAP SCALE 1"=1000"

SITE DATA

SITE AREA +/- 23.61 ACRES

MAP & PARCEL NUMBER MAP 062, PARCELS 01417 & 01418

ADDRESS CAROTHERS PARKWAY

EXISTING ZONING/

CHARACTER AREA OVERLAY GC - McEWEN AREA 4

RESIDENTIAL DENSITY 14.61 DWU/ACRE

COMMERCIAL SQUARE FOOTAGE 350,000

200 PROPOSED HOTEL KEYS

PROPOSED ZONING SPECIFIC DEVELOPMENT

OTHER APPLICABLE OVERLAYS FLOODWAY FRINGE OVERLAY (FFO)

FLOODWAY OVERLAY DISTRICT (FWO)

VARIETY (SD-X) 14.61, 350,000, 200

CONVENTIONAL **DEVELOPMENT STANDARD**

VACANT **EXISTING LAND USE**

MIXED-USE PROPOSED LAND USE

> ATTACHED RESIDENTIAL OFFICE

RETAIL HOTEL

RESTAURANT

EXISTING TREE CANOPY +/- 7.48 ACRES (32% OF SITE)

> Legal Description of Crescent Resource Center Part of Lands Recorded in Plat 56 page 97 In the City of Franklin, Williamson County, Tn.

ALL OF THOSE TRACTS OR PARCELS OF LAND, situated in the Eighth Civil District, City of Franklin, Williamson County, Tennessee that include the lands shown on the Final Plat of Resource Centre Section 1 that are bounded on the West with the right or way of Carothers Parkway, on the Northwest by the centerline of Pacific Drive and the lands of Resource Centre Subdivision as recorded (plat book 57 page 130), on the Northeast by Resource Parkway (plat book 50 page 122), on the East by Lot 1 of lands recorded in Plat book 50 page 122, and on the South by East McEwen Road ROW, and as filed in the Register's Office of Williamson County, Tennessee. (R.O.W.C., TN.) and being more particularly described as follows:

Beginning at the point of intersection of the easterly right-of-way line of Carothers Parkway variable in width) and the centerline line of Pacific Drive, variable in width (plat book 56 page 97), and the northwest corner of Lot 2 of Resource Centre - Section 1 ((plat book 56 page 97) of which this is a part; thence with the common line of said Lot 2 and the centerline of said Pacific Drive, (passing the southwest corner of Lot 3 of Resource Centre PUD (plat book 57 page 130) at 12.0') , South 65°03'52" East 67.04 feet, along said centerline to a point in a curve to the left having a radius of 145.00 feet and a central angle of 71°58'08"; thence, 182.13 feet along said curve, being subtended by a chord bearing North 87°25'04" East 170.39 feet to a point; thence, North 42°58'00" East 136.34 feet along said line to a point in a curve to the right having a radius of 300.00 feet and a central angle of 38°58'13'; thence, 204.05 feet along said curve, being subtended by a chord bearing North 62°27'06" East 200.14 feet to a point; thence, North 81°56'13" East 92.84 feet along said line to a point at the northerly corner of said Lot 2 and on the westerly right-of-way line of Resource Parkway (Plat Book 50, Page 122, R.O.W.C), 50 feet in width) and a curve to the left having a radius of 350.00 feet and a central angle of 31°45'22"; thence with said Lot 2 and along the right of way line of Resource Parkway, 293.99 feet along said curve, being subtended by a chord bearing South 23°54'23" East 191.51 Feet to a point; thence; South 39°47'04" East 161.79 feet to point; thence; South 39°47'04" East 124.43 feet along said line to a point on a curve to the left having a radius of 388.39 feet and a central angle of 17°43'34"; thence, 120.16 feet along said curve, being subtended by a chord of South 48°38'51" East 119.68 feet to a point; thence, South 57°30'38" East 196.93 feet along said line to a point on a curve to the right having a radius of 44.50 feet and a central angle of 50°36'07"; thence, 39.30 feet along said curve, being subtended by a chord of South 31°42'55" East 38.04 feet to a point on a curve to the left having a radius of 65.00 feet and a central angle of 50°36'07"; thence 57.41 feet along said curve, being subtended by a bearing of South 31°42'55" East 55.56 feet to a point on a curve to the left having a radius of 65.00 feet and a central angle of 50°23'47"; thence, 57.41 feet along said curve, being subtended by a bearing of South 82°12'52" East 55.35 feet to a curve to the right having a radius of 44.50 feet and a central angle of 53°00'53"; thence, 41.18 feet along said curve being subtended by a chord bearing South 80°54'19" East 39.72 feet to a point on a curve to the right having a radius of 335.00 feet and a central angle of 38°20'41"; thence 224.20 feet along said curve being subtended by a chord bearing South 35°13'32" East 220.04 feet to a point on the westerly right-of-way line of Resource Drive and the northwest corner of Lot 1 of Franklin Crest PUD Subdivision (plat book 50 page 122); thence, South 10°46'13" West 289.59 along the west line of said Lot 1 to a point on the northerly right-of-way line of East McEwen Drive variable in width) and the southwest corner of said Lot 1, and also being on a curve to the left having a radius of 14,373.46 feet and a central angle of 1°29'57"; thence leaving said Lot 1 and with the north line of East McEwen right of way, 376.07 feet along said curve being subtended by a chord bearing North 76°47'09" West 376.06 feet to a point; thence, South 13°30'14" West 14.08 feet along said line to a point; thence, North 76°29'46" West 16.78 feet along said line to a point; thence, North 76°29'46" West 69.46 feet along said line to a point; thence, North 79°43'43" West 253.17 feet along said line to a point; thence, North 79°43'43" West 74.77 feet along said line to a point; thence, North 82°57'40" West 42.23 feet along said line to a point; thence North 82°57'40" West 126.67 feet along said line to a point on a curve to the left having a radius of 2,042.50 feet and a central angle of 4°45'11"; thence, 169.44 feet along said curve being subtended by a chord bearing North 85°20'16 West 169.39 feet to a point; thence, North 87°42'51" West 107.62 feet to a point; thence, South 38°35'28" East 3.40 feet to a point on a curve to the left having a radius of 2,078.93 feet and a central angle of 4°36'18"; thence, 169.09 feet along said curve being subtended

by a chord bearing North 85°24'49" West 167.04 feet to a point; thence, North 87°42'52" West 102.05 feet along said line to a point on said easterly right-of-way line of Carothers Parkway; thence with said Carothers right of way, North 02°17'15" East 20.92 feet along said line to a point on a curve to the right having a radius of 25.00 feet and a central angle of 77°55'24"; thence, 34.00 feet along said curve being subtended by a chord bearing North 29°22'11" West 31.44 feet to a point; thence, North 10°32'02" East 202.64 feet along said line to a point; thence, North 46°32'02" West 4.76 feet along said line to a point; thence, North 10°32'02" East 71.86 feet along said line to a point; thence, North 11°06'41" East 62.50 feet along said line; thence, North 11°30'15 East 60.54 feet along said line to a point; thence, North 14°37'54" East 58.30 feet along said line to a point; thence, North 18°12'11" East 58.26 feet along said line to a point on a curve to the right having a radius of 932.00 feet and a central angle of 4°01'25"; thence, 65.45 along said curve being subtended by a chord of North 21°23'46" East 65.44 feet to a point on a curve to the right having radius of 932.00 feet and a central angle of 1°31'47"; thence, 24.88 feet along said curve being subtended by a chord bearing North 24°10'23" East 24.88 feet to a point; thence, North 24°56'16" East 94.71 feet to the point of beginning and containing 23.612 acres more or less.