



## Legislation Text

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**DATE:** June 1, 2017

**TO:** Franklin Board of Mayor and Aldermen

**FROM:** Eric Stuckey, City Administrator  
Vernon Gerth, Assistant City Administrator  
Emily Hunter, Director of Planning and Sustainability  
Andrew Orr, Principal Planner

### Subject

Consideration of Initiating the De-annexation Process for the De-annexation of Certain Areas Adjacent to Murfreesboro Road, Specifically 4113 Murfreesboro Rd. (11/24/15 WS; 3/22/16 BOMA Referred to 5/24/16; Referred from 5/24/16 BOMA 4-3; Referred from 6/13/17 BOMA 8-0 to June 12, 2018; Deferred from 6/12/2018 BOMA to 6/11/2019 BOMA).

### Purpose

The purpose of this memorandum is to provide the Board of Mayor and Aldermen (BOMA) with information regarding a requested de-annexation of 4113 Murfreesboro Road.

### Project Information

**Owner:** Troy and Jody Mizell  
4113 Murfreesboro Rd.  
Franklin, TN 37067

### Background

The City of Franklin has typically annexed land within its urban growth boundary and adjacent to the corporate limits. This has helped to create an orderly development pattern that leads to efficient service delivery and planned infrastructure improvements. Incremental annexations have generally been discouraged.

Development potential along Murfreesboro Road, east of Interstate 65 (I-65), is now the reality. These areas are well within the Urban Growth Boundary (UGB) and have convenient access to employment and retail centers, health services, and I-65.

As has been seen, annexation is continuing along the Murfreesboro Road corridor. The land that now has the October Park Subdivision was annexed last year, **and the Adams property was recently annexed this year.** The Mizell property is another example of relatively recent annexations along this corridor.

The Mizell property is located near the Murfreesboro Road/Arno Road intersection. The property was annexed into the City of Franklin at the then property owner's request in 2007. The Land Use Plan calls for residential or institutional land uses in this area. However, as a part of the ongoing Land Use Plan update, the Planning and Sustainability Department is reevaluating the nearby Arno/Murfreesboro Road intersection area for neighborhood commercial land uses. **(\*Update: Envision Franklin places the Mizell property in the Single-Family Residential Design Concept. The Neighborhood Commercial node identified in Envision Franklin ends a few properties to the east of the Mizell property. If warranted and desired, the Neighborhood Commercial node may be expanded with a plan amendment approval by the FMPC.)** With continued growth along this corridor, retaining the properties already annexed is logical. By not de-annexing, future "doughnut holes" of properties returned to the County will not exist, once the remaining areas are annexed.

The Murfreesboro Road/Arno Road intersection is approximately 1.3 miles east of South Carothers Road, which should be far enough away to support some neighborhood commercial uses, given the existing and future residential development for that area.

The current Land Use Plan calls for a neighborhood commercial node at the Murfreesboro Road/North Chapel intersection, which is approximately 1.6 miles east of Arno Road. However, this intersection is in what will probably be called a "Development Reserve" area, which means that development potential is too indistinct to adequately address with the new Land Use Plan. Therefore, this potential node will have to be left to future considerations.

It is useful to cite an existing neighborhood commercial node to assist in decision-making for future nodes. One exists at the New Highway 96 West/Downs Boulevard (arterial/major collector streets) intersection. As the accompanying map indicates, that node is about equidistant from the commercial area at Westhaven, on the west, and the commercial area east of Eleventh Avenue North, to the east. The same would be the result if the Murfreesboro Road/Arno Road intersection were to have a neighborhood commercial node.

Another complicating factor in considering this requested de-annexation is the continued review of how the State of Tennessee will direct de-annexation processes. The General Assembly was unable to reach agreement on legislation defining and guiding the consideration of de-annexations. This matter has been forwarded to "Summer Study" and will likely be considered again in some form by the State Legislature in 2017.

### **Recommendation**

Based on the information above, it is recommended at a minimum that any specific action regarding de-annexation for this or any other property within the City of Franklin be deferred until the State of Tennessee provides specific direction regarding the eligibility, process, and determining factors in rendering a decision. From a broader planning process standpoint, de-annexing a single property that was rationally annexed (at the owner's request) is an incremental approach that can have unforeseen and difficult consequences, as cited above. Considering this property to be one piece in the annexation process that is taking a holistic approach is rational from the standpoint of supplying infrastructure and service delivery. Therefore, it is recommended that the Mizell property remain within the corporate limits of the City of Franklin. However, with that said, should you choose to deny this request, your denial is simply informative to the applicant. After any action, other than deferral, taken by you, Mr. Mizell would have the opportunity to file his application with the Planning Department.

