

ORDINANCE 2010-06

AN ORDINANCE OF THE CITY OF BRENTWOOD, TENNESSEE TO AMEND THE ZONING ORDINANCE, SAME BEING CHAPTER 78 OF THE CODE OF ORDINANCES OF THE CITY OF BRENTWOOD, BY CHANGING THE PRESENT ZONING CLASSIFICATION ON CERTAIN PROPERTY LOCATED AT THE NORTHERN TERMINUS OF MALLORY LANE FROM THE R-2 (SUBURBAN RESIDENTIAL) ZONING DISTRICT TO THE C-3/SR (COMMERCIAL SERVICE-WAREHOUSE/SPECIAL RESTRICTIONS) ZONING DISTRICT, SAID PROPERTY BEING MORE SPECIFICALLY DESCRIBED IN THE PROPERTY DESCRIPTIONS ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE BY REFERENCE, AND SHOWN ON THE MAP ATTACHED HERETO AND MADE A PART OF THIS ORDINANCE BY REFERENCE; AND TO AMEND THE OFFICIAL ZONING MAP ACCORDINGLY

WHEREAS, Section 78-381 of the Brentwood Municipal Code allows the Board of Commissioners to apply additional special restrictions on permitted uses and/or technical and development standards for property for which rezoning to a commercial or service institution zoning district is requested, if the Board determines that the otherwise permitted uses and/or applicable technical development standards for the district at the specific location are inadequate to preserve traffic control and aesthetics and to protect the health, safety, conveniences, quality of life and general welfare of the citizens of Brentwood; and

WHEREAS, a change to the C-3 zoning district has been requested for certain property located at the northerly terminus of Mallory Lane, to be combined with other property for which C-3 zoning is already in effect; and

WHEREAS, the Board of Commissioners has determined that the otherwise permitted uses and applicable technical development standards for the C-3 district at the location of said property are inadequate to preserve traffic control and aesthetics and to protect the health, safety, conveniences, quality of life and general welfare of the citizens of Brentwood.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF BRENTWOOD, TENNESSEE AS FOLLOWS:

SECTION 1. That the present zoning classification on certain property located at the northern terminus of Mallory Lane be and it is hereby changed from the R-2 (Suburban Residential) zoning district to the C-3/SR (Commercial Service-Warehouse/Special Restrictions) zoning district, said property being more particularly described in the property description attached hereto as Attachment "A," and being more particularly shown on Attachment "B," said attachments being made a part of this ordinance by reference.

SECTION 2. That all development and use of the property rezoned by this ordinance shall be subject to the special restrictions set forth on Attachment “C” hereto.

SECTION 3. That the official zoning map be and the same is hereby amended accordingly.

SECTION 4. That this ordinance shall not take effect, until special restrictions 1., 2., and 3. as set forth on Attachment “C” are met, the general welfare of the City of Brentwood, Williamson County, Tennessee, requiring it.

PASSED:	1st reading	_____	PLANNING COMMISSION	_____
	2nd reading	_____	NOTICE OF PASSAGE	
			Notice published in:	_____
			Date of publication:	_____
PUBLIC HEARING				
	Notice published in:	_____		
	Date of publication:	_____		
	Date of hearing:	_____	EFFECTIVE DATE	_____

MAYOR Betsy S. Crossley

RECORDER Deborah Hedgepath

Approved as to form:

CITY ATTORNEY Roger A. Horner

ATTACHMENT "A"
ORDINANCE 2010-06

Mallory Park Phase II

Being a tract of land lying in Brentwood, Williamson County, Tennessee, and being more particularly described as follows:

Beginning on the easterly right-of-way line of Mallory Lane at the northwest corner of Lot 14 on the Resubdivision of Lot 7, Mallory Park, of record in Plat Book 49, page 3 at the Register's office for Williamson County, Tennessee;

Thence with the northerly terminus of the existing right-of-way of Mallory Lane as shown on Mallory Park Subdivision of record in Plat Book 45, page 97, North 83 deg 09 min 43 sec West, 60.81 feet to a point,

Thence with the westerly right-of-way line of Mallory Lane, South 16 deg 11 min 22 sec West, 263.00 feet to a point at the northeast corner of Lot 6 Mallory Park, of record in Plat book 45, page 97;

Thence with the northerly line of said Mallory Park, North 83 deg 05 min 37 sec West, 756.30 to a point on the northerly line of Lot 3;

Thence leaving the northerly line of said Mallory Park with a line though the property of Tennsco Corp. of record in Book 1327, page 540 for the following eleven calls:

- 1) North 22 deg 30 min 56 sec East, 1010.49 feet to a point,
- 2) North 39 deg 02 min 57 sec East, 383.05 feet to a point,
- 3) North 54 deg 47 min 45 sec East, 282.24 feet to a point,

- 4) North 86 deg 15 min 22 sec East, 514.26 feet to a point,
- 5) North 08 deg 05 min 36 sec East, 102.17 feet to a point,
- 6) North 86 deg 15 min 22 sec East, 304.17 feet to a point,
- 7) South 16 deg 10 min 26 sec West, 1200.41 feet to a point,
- 8) North 75 deg 52 min 51 sec West, 350.02 feet to a point,
- 9) South 28 deg 20 min 01 sec West, 102.32 feet to a point,
- 10) With a curve to left having a radius of 620.00 feet, a curve length of 131.41 feet and a chord bearing and distance of South 22 deg 15 min 41 sec West, 131.17 feet to a point,
- 11) South 16 deg 11 min 22 sec West, 119.64 feet to the point of beginning; containing 33.5 acres more or less.

Being part of the property conveyed to Tennsco Corp. of record in Book 1327, page 540 at the Register's office for Williamson County, Tennessee.

***ATTACHMENT “C”
ORDINANCE 2010-06
Special Restrictions
For the Development and Use of Rezoned Property
(Mallory Park, Phase II, Commercial Area)***

All development within the property rezoned by Ordinance 2010-06 shall be required to comply with all technical and development standards set forth in the zoning ordinance of the City of Brentwood (the “City”) for the underlying C-3/SR (Commercial Service – Warehouse/Special Restrictions) zoning district. In addition, given the location of the property near established residential subdivisions, the special restrictions listed below are applied, as authorized under Section 78-381 of the zoning ordinance, due to the inadequacy of the otherwise permitted uses and applicable technical and development standards to preserve traffic control and aesthetics and to protect the health, safety, conveniences, quality of life and general welfare of the citizens of Brentwood.

The property rezoned under Ordinance 2010-06 is hereinafter referred to as the “C-3/SR Property.” Two adjacent parcels to the north and west of the C-3/SR Property, and consisting of 23.69± acres described on Attachment “D”, shall hereinafter be referred to as the “Park Land Property.” The C-3/SR Property shall be subject to the following additional conditions and limitations:

1. The C-3/SR Property Owner desires that the Park Land Property be preserved for use by the citizens of Brentwood as a public area and has determined the best way to do this is by a gift of this property to the City. To further this goal, the C-3/SR Property Owner will donate the Park Land Property to the City for perpetual ownership and maintenance as a passive City park. The zoning for the C-3/SR Property shall be contingent upon dedication of the “Park Land Property” to the City of Brentwood.
2. A public pedestrian and bikeway connection easement, being at least 12 feet in width, shall be provided by the C-3/SR Property Owner to permit direct access to the Park Land Property from General MacArthur Drive across Lot 37. (The lot on which this easement is to be located is shown on the plat for Section II of the Concord Country Estates subdivision, as recorded in Plat Book 4, Page 42 at the office of the Register of Deeds for Williamson County Tennessee.)
3. A 25 foot wide access easement shall be dedicated by the developer from the future end of Mallory Lane, which will connect to a future parking lot for the proposed parkland area. The developer shall also dedicate a “maintenance easement” being at least 7.5 feet wide on either side of the access easement. The dedications to the City shall occur at the time the site plan for the C-3/SR property is approved. As part of the infrastructure work for the project the developer shall construct a 22 foot wide driveway permitting access between Mallory Lane and the Park Land Property, as shown on Attachment “B”.
4. The minimum buffer area abutting the CSX Railroad for the C-2/SR property shall be 300 feet wide, measured from the property line.
5. Except for security lighting approved by the Planning Commission, timers shall be required on all outdoor lighting to reduce the visual impact to nearby residential properties. All exterior lighting shall be turned off from 10:00 PM until 6:00 AM. All outdoor lighting shall be designed and installed so as not to exceed three (3) foot candles, measured at the interior boundary line of

the required buffer areas for the C-3/SR Property. In addition, interior lighting from structures in the C-3/SR Property shall be designed and configured to reduce external visibility of the structure interior from nearby residential properties at night. The Planning Commission may require additional landscaping and plantings to further minimize the impact of external, internal and vehicle lighting on nearby residential properties.

6. All pick-up and delivery of materials and products by commercial haulers within the C-3/SR Property shall be limited to the hours between 7:00 AM and 7:00 PM. In addition, existing Brentwood Municipal Code requirements and limitations on the collection of refuse and recycling materials shall apply to all areas within the C-3/SR Property, regardless of the distance to nearby residential properties.
7. A property owners association, consisting of each of the owners of the C-3/SR property, shall be formed. The property owners association shall be required to have an independent landscape architect, licensed by the State of Tennessee, conduct an inspection of all required buffer areas during August or September of each year. A report, along with sufficient supporting documentation, shall be submitted to the Planning Department by October 10 of each year, addressing the status and condition of existing vegetation and supplemental plantings and their compliance with the approved plan. Any identified deficiencies shall be corrected by the property owners and/or property owners association prior to the winter season. The requirements of this paragraph shall be included in the recorded covenants of the property owners association. The covenants shall be submitted to the City Attorney for verification that said requirements are included.
8. The height limitation for all future buildings and structures within the C-3/SR Property shall be limited to a maximum of 42 feet or three (3) stories, plus screening for the mechanical penthouse.

ATTACHMENT "D"
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TRACT "B"

PART OF PARCEL 1, MAP 35, R.O.W.C. TN.

Being a parcel of land lying in the City of Brentwood, Williamson County, Tennessee and being a part of the property of Bill Wills, as of record in Deed Book 715, page 29, Register's Office for Williamson County, Tennessee and being more particularly described as follows:

BEGINNING at an iron pin corner at the intersection of the east right-of-way line of CSX Transportation Railroad and the south right-of-way line of Wikle Road:

Thence with the right-of-way line of Wikle Road, the following bearings and distances:

1. Thence South 80° 47' 05" East, 327.60 feet to an existing iron spike;
2. Thence South 08° 35' 28" West, 883.33 feet to an existing iron pin.

Thence leaving Wikle Road with the common line of herein described tract and the Daugherty property, recorded in Deed Book 539, page 956, R.O.W.C., Tennessee, the following bearings and distances:

3. Thence South 60° 51' 39" West, 539.49 feet to an existing iron pin;
4. Thence South 69° 44' 17" West, 591.87 feet to an existing iron pin in the east right-of-way line of CSX Transportation Railroad.

Thence with the east right-of-way line of CSX Transportation Railroad, the following bearings and distances:

5. Thence North 33° 49' 43" East, 354.87 feet to a new iron pin;
6. Thence North 32° 24' 32" East, 186.38 feet to a new iron pin;
7. Thence North 33° 24' 30" East, 171.97 feet to an existing iron pin;
8. Thence on a curve to the left, the radius of which is 5759.58 feet, the central angle of which is 09° 05' 14", the chord bearing and distance of which is North 29° 02' 06" East, 912.53 feet, along the curve distance of 913.48 feet, to the point of BEGINNING.

Containing 652,966 square feet (14.99 acres, more or less).

ATTACHMENT "D"
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Wikle Road West Park - South

Being a tract of land lying in Brentwood, Williamson County and being more particularly described as follows:

Beginning at a point on the westerly right-of-way line of Interstate 65, 1519.50 feet north of the northeast corner of Lot 14 on the Resubdivision of Lot 7 Mallory Park of record in Plat Book 49, page 3 at the Register's office for Williamson County, Tennessee;

Thence leaving the westerly right-of-way line of I-65 through the property conveyed to Tennsco Corp. of record in Book 1327, page 540, South 86 deg 15 min 22 sec West, 512.71 feet to a point at a corner common with the property conveyed to Elias H. Attea Jr. of record in Book 1220, page 725;

Thence with the easterly property line of Attea for the following four calls:

- 1) North 08 deg 36 min 00 sec East, 240.68 feet to a point,
- 2) With a curve to the left having a radius of 500.00 feet, a curve length of 192.55 feet and a chord bearing and distance of North 02 deg 25 min 56 sec West, 191.36 feet to a point,
- 3) With a curve to the right having a radius of 145.00 feet, a curve length of 184.24 feet and a chord bearing and distance of North 22 deg 56 min 11 sec East, 172.09 feet to a point,
- 4) North 59 deg 20 min 12 East, 287.59 to a point on the southerly right-of-way line of Wilks Road;

Thence with the southerly right-of-way line of Wilks Road, South 81 deg 37 min 52 sec East, 362.76 feet to the westerly right-of-way line of Interstate 65;

Thence with the westerly right-of-way line of I-65, South 16 deg 18 min 31 sec West, 675.31 feet to the point of beginning; containing 8.7 acres more or less.

Being part of the property conveyed to Tennsco Corp. of record in Book 1327, page 540 at the Register's office for Williamson County, Tennessee.