ORDINANCE 2007-26

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 SOUTHEAST QUADRANT OF THE INTERSECTION OF VIRGINIA WAY AND GRANNY WHITE PIKE, FROM THE R-1 (LARGE LOT RESIDENTIAL), R-2 (SUBURBAN RESIDENTIAL) AND C-1 (COMMERCIAL OFFICE) ZONING DISTRICTS TO THE C-1/SR (COMMERCIAL OFFICE/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 TO AMEND THE OFFICIAL ZONING MAP ACCORDINGLY

WHEREAS, Section 78-371 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 C-1 zoning has been requested for certain property located at the southeast quadrant of the intersection of Virginia Way and Granny White Pike, to be combined with other property for which C-1 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-1 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 southeast quadrant of the intersection of Virginia Way and Granny White Pike be and it is hereby changed from the R-1 (Large Lot Residential), R-2 (Suburban Residential) and C-1 (Commercial Office) zoning districts to the C-1/SR (Commercial Office/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 the special conditions set forth on Attachment C are complied with, the general welfare of the City of Brentwood, Williamson County, Tennessee, requiring it.

PASSED:	1st reading	10/11/2007	PLANNING COMMISSION	11/5/2007
	2nd reading	12/10/2007	NOTICE OF PASSAGE Notice published in:	n/a
PUBLIC HEARING			Date of publication:	
Notice published in: Date of publication:		Williamson A.M. 10/22/2007		
Date	of hearing:	11/12/2007	EFFECTIVE DATE	
MAYOR		Joe Reagan	RECORDER	Deborah Hedgepath
Approved as	to form:			
CITY ATTOR	NEV	Roger A Horner		

Attachment "C" Ordinance 2007-26 Special Restrictions For the Development and Use of Rezoned Property (PLC Tract)

All development within the property rezoned by Ordinance 2007-26 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-1 (Commercial Office) zoning district. In addition, given the location of the property near an established residential subdivision, the special restrictions listed below are applied, as authorized under Section 78-371 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 2007-26 is hereinafter referred to as the "C-1/SR Property." An adjacent parcel to the south and west of the C-1/SR Property, and consisting of 24.02± acres described on Attachment "D", shall hereinafter be referred to as the "Open Space Property." The master plan prepared by Ragan Smith Associates, revised December 4, 2007, and included as part of Attachment "B" (the "Master Plan") shall be used to locate the placement of future improvements on the C-1/SR and Open Space Properties. The C-1/SR Property shall be subject to the following additional conditions and limitations:

- a. The C-1/SR Property Owner desires that the Open Space 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-1/SR Property Owner will donate the Open Space Property to the City and will also donate sufficient funds to the City to be used for improvements on the Open Space Property. Said improvements shall include the following, as depicted on the Master Plan:
 - (1) Pedestrian trails, bikeways, benches, tree preservation areas, additional landscaping and tree plantings, open meadow areas and water features.
 - (2) A naturally rolling earthen berm, a minimum of ten (10) feet high, to be installed in the Open Space Property along the abutting residential lots fronting Oakvale Drive and landscaped with evergreen trees that are a minimum of ten (10) feet tall at planting.
 - (3) A naturally rolling earthen berm, a minimum of five (5) feet high, to be installed in the Open Space Property adjacent to the southern parking lots in the C-1/SR Property and landscaped with evergreen trees that are a minimum of eight (8) feet tall at planting.
 - (4) A naturally rolling earthen berm, a minimum of three (3) feet high, to be installed in the Open Space Property adjacent to the parking lot to the south of the Godwin Home (Building E) and landscaped with evergreen trees that are a minimum of twelve (12) feet tall at planting.
 - (5) The entire area in front of the Godwin Home (Building E) facing Granny White Pike shall remain permanent green space. No parking spaces or driveways shall be permitted within said area.
- b. Prior to construction and installation of improvements on the Open Space Property, a detailed plan shall be approved by the Brentwood Park Board and the Brentwood

Planning Commission. Said plan shall be prepared at the cost of the C-1/SR Property Owner by a licensed landscape architect selected or approved by the City. A process to gather community input for use in the development of said plan shall be established by the City. Notwithstanding the foregoing, the berm along the abutting residential lots fronting Oakvale Drive shall be installed prior to the initiation of any building construction on the C-1/SR Property, following approval of a landscaping plan (to include irrigation) for said berm by the Brentwood Planning Commission. No modifications may be made to the conditions established in section a above for the Open Space Property without the approval of the Board of Commissioners. Any such modifications shall be approved by resolution of the Board of Commissioners.

- c. A walking trail shall be constructed through the C-1/SR Property from Virginia Way to the Open Space Property in the general location depicted on the Master Plan. A public easement shall be granted to the City to allow public access to and use of the walking trail to be constructed through the C-1/SR Property, as shown on the Master Plan. A second public easement shall be granted to the City, under which users of the Open Space Property may park their vehicles in the parking lots constructed on the C-1/SR Property.
- d. Prior to conveyance of the Open Space Property to the City, the C-1/SR Property Owner shall pay for the cost of an environmental engineer, selected by the City and licensed to practice in Tennessee, to verify that all potentially adverse environmental conditions resulting from the current and former uses within the Open Space Property have been removed or corrected according to accepted environmental standards.
- e. The Open Space Property will be perpetually owned by the City.
- f. The Open Space Property shall be available for use by the public during daylight hours only.
- g. No outdoor lighting may be installed or operated within the Open Space Property.
- h. The total leasable floor space for all buildings to be constructed on the C-1/SR Property shall not exceed 472,000 square feet. The southern facades of Buildings A and B and the southwestern and southeastern facades of Building C, as reflected on the Master Plan, shall be designed to prevent visibility of the interior of the buildings and interior lighting at night from the adjacent properties.
- i. Lighting in the parking lots for the C-1/SR property shall be designed to meet or exceed requirements under the City's illumination standards. In addition, parking lot lights in the designated "Dark Zones" shown on the Master Plan shall be turned off from 10:00 PM to 6:00 AM, except for those lights needed for the safety of the tenants around the perimeter of the building.
- j. No road access may be constructed to the Open Space Property from Granny White Pike.
- k. The C-1/SR Property Owner shall construct or provide full funding for all traffic improvements recommended in the traffic impact study prepared by RPM Transportation Consultants, LLC, dated November, 2007. For those improvements for which completion is recommended at later stages of the development, the C-1/SR Property Owner may provide a letter of credit, satisfactory in form to the City, guaranteeing completion of the recommended improvements.