



City of Franklin

109 3rd Ave S
Franklin, TN 37064
(615)791-3217

Meeting Minutes - Final Franklin Municipal Planning Commission

Thursday, November 20, 2014

7:00 PM

Board Room

CALL TO ORDER

- Present** 8 - Commissioner Harrison, Commissioner Petersen, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, Commissioner Lindsey, and Commissioner Hathaway
- Absent** 1 - Commissioner McLemore

MINUTES

1. [14-648](#) 10/23/14 FMPC Meeting Minutes

Attachments: [10-23-14 FMPC Minutes](#)

A motion was made by Commissioner Harrison, seconded by Commissioner Petersen, that this Planning Item was approved as presented. The motion carried by the following vote:

- Aye:** 7 - Commissioner Harrison, Commissioner Petersen, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey
- Absent:** 1 - Commissioner McLemore

CITIZEN COMMENTS ON ITEMS NOT ON THE AGENDA

ANNOUNCEMENTS

Ms. Powers stated that there would be a Joint Historic Zoning Commission with the Board of Mayor and Aldermen (BOMA) and the Franklin Municipal Planning Commission (FMPC) meeting on December 1, 2014, at 4:00 p.m., to review the design and compatibility of the Harpeth Square project. She also stated that 18 conditions, which were inadvertently left out of the FMPC packets, were at the Planning Commissioners' desks.

VOTE TO PLACE NON-AGENDA ITEMS ON THE AGENDA

CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Commissioner Harrison, seconded by Commissioner Orr, to approve the Consent Agenda. The motion carried by the following vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

Absent: 1 - Commissioner McLemore

SITE PLAN SURETIES

2. [14-620](#) Battle Ground Academy Subdivision, site plan, (Fieldhouse and Mary Campbell Visual Arts Center); extend the performance agreement for drainage improvements. (CONSENT AGENDA)
This Planning Item was approved.
3. [14-621](#) Grace Pointe Church Subdivision, site plan; extend the performance agreement for landscaping Phase B improvements for one year. (CONSENT AGENDA)
This Planning Item was approved.
4. [14-622](#) Highlands at Ladd Park PUD Subdivision, site plan, sections 1-4; extend the performance agreement for landscaping section 2, landscaping section 3, landscaping section 3 (street trees) and landscaping section 4 improvements. (CONSENT AGENDA)
This Planning Item was approved.
5. [14-623](#) Spring Creek Subdivision, site plan, section 1, revision 4 (Spring Creek Center); release the maintenance agreement for sidewalks improvements. (CONSENT AGENDA)
This Planning Item was approved.
6. [14-624](#) Westhaven PUD Subdivision, site plan, section 13; release the maintenance agreement for landscaping improvements. (CONSENT AGENDA)
This Planning Item was approved.
7. [14-625](#) Westhaven PUD Subdivision, site plan, section 15, lot 4009 (Westhaven Western Regional Parking Lot); extend the performance agreement for landscaping perimeter screen improvements. (CONSENT AGENDA)
This Planning Item was approved.

8. [14-627](#) Westhaven PUD Subdivision, site plan, section 25, lots 4202-4204 (Harris Teeter); extend the performance agreement for landscaping (future buffer) improvements. (CONSENT AGENDA)

This Planning Item was approved.

9. [14-628](#) Westhaven PUD Subdivision, site plan, section 28; extend the performance agreement for landscaping improvements. (CONSENT AGENDA)

This Planning Item was approved.

REZONINGS AND DEVELOPMENT PLANS

10. [14-645](#) Gateway Village PUD Subdivision, Development Plan, Revision 4, (Touchstone Office Building) a 21,000 square foot building on 1.45 acres, located at 1360 Moher Boulevard.

Attachments: [4693 Touchstone Map.pdf](#)
[Conditions of Approval 01.pdf](#)
[Gateway Village Pud Subdivision Plans.pdf](#)

Mr. Baumgartner, City of Franklin Planner, stated that staff had concerns about the architecture of the building. The proposed building does not match the architecture of the existing buildings already constructed in Gateway Village. The architecture looks to be more fitting of a conventional design more appropriate in Cool Springs than a traditional design area. Staff does not feel that the architecture of the building conforms to the traditional design guidelines of the Zoning Ordinance, the Land Use Plan, or the Gateway Village Pattern Book. Staff recommends disapproval of item 10.

Chair Hathaway asked for comments from the citizens.

No one came forward.

Chair Hathaway asked if there was an applicant.

Mr. Michael Hindman, of H. Michael Hindman Architects, stated that he was representing Touchstone Medical Imaging. He stated that he was a little taken aback by the comment from staff. It was his understanding that they were submitting concept plans, and they had already submitted a different package of plans with a different set of architectural drawings for the actual site plan approval. Their understanding was how this differed from the original concept as far as the size of the building and the parking layout. The architectural is a concept, it is not the final design and is not intended to be. Coming into this, they thought one of the conditions of approval was to modify the architecture. For this to be a disapproval was a surprise and was the first that they had heard of it. Again, they had already submitted a separate package of architectural plans for a different design that would be part of the site plan approval. Tonight they were just dealing with the concept approval. They were in agreement with all of the conditions of approval that had been given to them regarding the site, which Mr. Jared Gray, of Civil Consultants, would address.

Mr. Jared Gray, of Civil Consultants, stated that they had worked with staff on this project. They would soon have a site plan to come before the Planning Commission, contingent on this concept plan approval, which would take care of any comments relative to the architecture as a conceptual design. They had one comment, which was listed in Section 8. F Development Plan. "Applicant shall comply with the Access Management Design Guidelines, Section 3.3. 25 of the Street Standards." The proposed driveway at Moher Boulevard has substandard separation from O'Keefe Way and limiting separation from Lynwood Way. They were proposing an access to line up on Moher Boulevard and where it was existing on O'Keefe Way. Mr. Gray asked that the Planning Commission allow the application to work with staff in order to make sure that they had the best design. If having an access on O'Keefe Way was the best design that they had available to them, then they would agree with that; however, they felt that they could work with City staff and move forward with the understanding given to them by the Planning Commission to come up with the best design. They requested approval of item 10.

Mr. Hindman stated that they would like time to work out the design

Mr. Franks moved to approve item 10, and Mr. Harrison seconded the motion.

Mr. Harrison requested clarification because he could not agree with the way the plans were drawn as far as the concept fitting in with the architecture of the surrounding area. He asked if this would be the plan if the Planning Commission voted to pass item 10.

Mr. Hindman stated that they would like time to work out the design. They thought the basic concept that they were discussing at this meeting had to do with the size of the building, the parking, the green space, and the massing of the building. The actual architectural design was to be addressed in the site plan. They did not want to be turned down because of the architecture, which they had already stated would be modified. They would have preferred deferral to being turned down.

Ms. Powers stated that staff had met with the architect many times and had talked about their concerns over several meetings. This is a very detailed plan that is being brought for a conceptual plan. In terms of architecture, staff had talked about the things that they wanted to see changed. Staff was told that the applicant did not intend to change the architecture, and they thought the architecture was appropriate for the site. That is why staff has requested a denial at this point. If there was a misunderstanding, staff would be happy to work with the applicant, but that was staff's understanding as they left the last meeting.

Chair Hathaway asked if this would this be an acceptable process if the Planning Commission changed the motion to include approval of the development plan, as submitted, with the understanding that they would revise the architecture to fit the context of Gateway.

Ms. Powers stated that this would be an administrative site plan.

Mr. Franks asked what was wrong with the architecture.

Ms. Powers stated that the architecture was a beautiful building. Staff agrees that this is a well- designed building. This building would go well in Cool Springs but is not compatible with the architecture in the Pattern Book that was approved for Gateway. With the pattern of Gateway and the type of architecture that is in Gateway this is a very suburban looking architecture as opposed to the more traditional architecture that is found in Gateway.

Mr. Harrison stated that this building does not blend in at all.

Alderman Petersen stated that she did not feel as strongly about appearance as some other people, but the building really does not fit in at all. There are also some other things to consider, such as the access.

Mr. Orr asked if the Development Plan could be approved, minus the architectural sheet, and let staff work that out with the applicant at a later time.

Mr. Hindman stated that if they had not been submitting for the revised site, the building design would not have come before the Planning Commission.

Mr. Franks asked Mr. Hindman if he had looked at the Pattern Book for Gateway.

Mr. Hindman stated that he had. They had also met with staff, one staff member had like the design as it was, and another staff member had not. The elevations that were submitted a couple of weeks ago were different from these elevations, and they believe have addressed the comments from staff.

Ms. Powers stated that the site plan could be brought back to the Planning Commission if the Planning Commission so chose. Additionally, the Street Standards could not be changed by the Planning Commission so the comment made by Mr. Baughman could not be overruled by the Planning Commission.

Mr. Franks stated that the roof was sophisticated-looking.

Mr. Franks asked if the applicant would be better served to defer the item.

Mr. Hindman stated that they would be better served to come back to the Planning Commission if need be.

Ms. Powers stated that she was comfortable with that suggestion.

Mr. Orr moved to amend the motion to require that the site plan for item 10 come back before the Planning Commission, Mr. Harrison seconded the motion, and it passed unanimously (7-0).

Alderman Petersen stated that the area of disturbance was not delineated on this. There have been great problems with the disturbance of the soil. She was assuming that this could be worked out, but it was very sensitive.

Mr. Gray stated that it could be worked out. They would delineate very clearly and keep the limits of disturbance to their site and not only that but within their site to an absolute minimal.

Alderman Petersen asked about the access point.

Mr. Gray stated that the access point would comply.

Chair Hathaway stated that if the Planning Commission voted for approval, they were not necessarily endorsing the architecture as it was.

Ms. Powers stated that the site plan would still need to come back before the Planning Commission. She thought the minutes of this meeting would show that staff would still be looking at the architecture again.

A motion was made by Commissioner Franks, seconded by Commissioner Harrison, that this Planning Item was approved as amended. The motion carried by the following vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

Absent: 1 - Commissioner McLemore

11. [14-642](#) Stream Valley PUD Subdivision, development plan, revision 1, 382 dwelling units and 1,600 square feet of office/commercial space on 61.80 acres, located south of Goose Creek Bypass, east of Lewisburg Pike, and west of Interstate 65.

Attachments: [4699 Stream Valley PUD Rev1 Development Plans](#)
[4699 Stream Valley PUD Rev 1MAP](#)
[4699 Stream Valley Development Plan, Rev 1, Sec 16-19, Conditions of Approval 03](#)

Mr. Josh King, City of Franklin Planner, stated that the Stream Valley PUD was a previously approved Subdivision with entitlements for 824 residential units. Sections 1-14 have approved site plans, while Sec 15 (Amenity Center) is currently in the site plan review process. This is a revision to the approved concept plan which effects sections 16-19 formerly the "Town Center" portion of the development.

The applicant proposes a mix of 66 single family detached residential units, 76 attached residential units (Townhome), 240 units of multi-family/condo style development, and 1,600 square feet of commercial property on 61.8 acres.

Chair Hathaway asked for comments from the citizens.

No one came forward.

Chair Hathaway asked if there was an applicant.

Mr. John Hass, of EDGE Planning, Landscape, Architecture and Graphic Design, stated that they were in agreement with all staff conditions and requested approval of item 11.

Mr. Harrison moved to approve item 11, and Mr. Orr seconded the motion.

Alderman Petersen stated that the minutes of the original approval had been attached with the Planning Commissioners' packets. In 2012, the Planning Commission went back and looked at this and made some changes. She thought that the approval in 2014 also needed to be included in this information. There are some conditions that needed to be part of this information.

Mr. Hass stated that his understanding as to why those conditions were not part of the information was because those are the Board of Mayor and Aldermen minutes and actions. There is a separate agreement, which is part of it. It was originally reached in 2012 and amended in 2014. He did not have a problem with putting the conditions in, staff just did not request them. Those conditions will be added post Planning Commission.

Alderman Petersen stated that the conditions actually deal with a second access and the actual building of it. This is extremely important because, at this time, there is just the one access.

Mr. Anthony asked if the language, "the applicant shall furnish documentation on the BOMA action" should be made part of the motion.

Ms. Billingsley stated that if Mr. Harrison was fine saying, "motion to approve," she

thought it would be fine and to also add, the amendments in 2014 was acceptable.

Alderman Petersen stated that they were adding the units at Stream Valley, which certainly did not come up to the total that was approved, but the Planning Commission needed to be cognizant that there were other units that would not be able to be built.

Mr. Hass stated that they were not requesting any additional residential units to the concept plan. The applicant was still at the same total.

Alderman Petersen stated that the entire development plan needed to be changed because the entire development plan also had the units that were being moved were also somewhere else.

Mr. Hass stated that they were not asking for any more than they were entitled to. He thought the only reason this had not happened was because it had already received site plan approval.

Alderman Petersen asked what the total units were for the site plan approval that Mr. Hass had received.

Mr. Hass stated that the site plan approval, and in some cases the plats, were different than the site plan approval. The applicant talked with staff and agreed that they did not want to increase the units overall. At the end of the day that would be the cap.

Mr. Anthony stated that the applicant had site plan approvals for some sections that they were opting to forgo platting and getting building permits for so that they could move into this other area. The agreement, which was earlier referenced, for 2014 made everything contingent upon building permits. The applicant was opting not to pursue building permits for some other sections at this time.

Alderman Petersen asked if the site plan approval was good for one year.

Mr. Anthony stated that it was good for one year.

A motion was made by Commissioner Harrison, seconded by Commissioner Orr, that this Planning Item was approved with conditions.. The motion carried by the following vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

Absent: 1 - Commissioner McLemore

SITE PLANS, PRELIMINARY PLATS, AND FINAL PLATS

12. [14-644](#) Aerial Adventure Subdivision, final plat, consolidating two parcels, dedicating ROW, and creating easements, located at 3794 Carothers Parkway south of the Tennessee Drivers Testing Center, on 7.72 acres. (CONSENT AGENDA)

Attachments: [4681 Conditions of Approval](#)
[4681 Aerial Adventure Map](#)
[Aerial Adventure Final Plat](#)

This Planning Item was approved.

13. [14-630](#) Allen and Shelton Subdivision, final plat, creating shared access and parking easement and a shared water quality easement, on 0.428 acres, located at 216 and 220 Bridge Street. (CONSENT AGENDA)

Attachments: [4687 Allen Shelton FP MAP](#)
[4687 Conditions of Approval](#)
[4687 Final Plat](#)

This Planning Item was approved.

14. [14-636](#) Echelon PUD Subdivision, final plat, section 1, creating 56 single family lots and 5 open space lots on 17.12 acres, located at South Carothers Road.

Attachments: [4688 Echelon Subd FP Sec 1 MAP](#)
[4688 Conditions of Approval](#)
[4688 Echelon Subd Final Plat](#)

Mr. Anthony stated that item 14 had been removed from the Consent Agenda. The applicant had agreed with staff, and this had been provided in an email to the Planning Commission on this date. The applicant wishes to defer item 14.

Alderman Petersen stated that a timeframe was needed on the approval or disapproval of plats.

Ms. Powers stated that it was a deferral with forbearance of the approval constraints.

Ms. Billingsley stated that the email, to which Mr. Anthony referred, should be included as part of this record to show that the applicant requested deferral.

Alderman Petersen stated that it was not only that the applicant asked for deferral, but that they agreed that they would waive the timeframe for resubmitting.

Ms. Billingsley stated that by the applicant requesting deferral, they were waiving their rights because they were the only ones that could ask.

Mr. Anthony apologized but stated that he had only learned about the deferral this afternoon. Ms. Diaz-Barriga had advised the applicant that they had to get the plat back within a certain amount of time or they would waive their right. She asked them if they agreed with that, and they stated that they did in the email exchange.

Mr. Harrison asked about a 60-day deferral.

Alderman Petersen stated that the state law was that if the Planning Commission did not vote on a plat, it would become approved. That was the reason that she was being so specific about waiving the item.

Mr. Harrison read the applicant's email response to where Ms. Diaz-Barriga stated that deferrals were good for 60 days and if the applicant did not resubmit within 60 days, he would have to go back through the full review cycle. The applicant stated that he understood and wished to continue with the deferral.

Alderman Petersen stated that this did not say that the applicant waived the 60-day state requirement. She asked if the applicant was present.

Mr. Michael Ray, with Energy Land and Infrastructure, stated that they were deferring the plat. The request was based on the City saying that if they did not get back on the Planning Commission agenda within 60 days, they would have to resubmit the package. It was their understanding that they could come back next month if they got a couple of items resolved.

Alderman Petersen thanked Mr. Ray and stated that it was not that it should be

resubmitted within 60 days, it was that if the Planning Commission did not take action on it either way (and a deferral would not let them off the hook), it would become approved by state law.

Mr. Hass stated that their intent was to be back with the Planning Commission within 30 days. If they did not have it within 60 days, it sounded as though they would withdraw the item. That would be the action that they would take.

Alderman Petersen stated that by the Planning Commission date on January 22, 2015, the 60 days would be gone.

Mr. Hass stated that if they could be given the 30 extra days, hopefully they could resolve it.

A motion was made by Commissioner Petersen, seconded by Commissioner Orr, that this Planning Item was deferred.. The motion carried by the following vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

Absent: 1 - Commissioner McLemore

15. [14-639](#) Highlands at Ladd Park PUD Subdivision, final plat, section 17, revision 1, 32 residential lots and 1 open space lot on 13.14 acres, located along Circuit Road. (CONSENT AGENDA)

Attachments: [4695 Ladd Park FP17map](#)
[4695 Ladd Park Sec17 PLAT](#)
[4695 Highlands at Ladd Park Sec17 Conditions of Approval 02](#)

This Planning Item was approved.

16. [14-637](#) Ralston Row PUD Subdivision, final plat, creating 13 single family lots and 2 open space lots on 3.63 acres, located at 121 Ralston Lane. (CONSENT AGENDA)

Attachments: [4689 Ralston Row Subd FP MAP](#)
[4689 Conditions of Approval](#)
[Ralston Row plat](#)

This Planning Item was approved.

17. [14-643](#) Stream Valley PUD Subdivision, final plat, section 8, 29 residential lots and 1 open space lot on 13.21 acres located near the intersection of Brookpark and Rockport Ave. (CONSENT AGENDA)

Attachments: [4698 Stream Valley PUD FP 8MAP](#)
[4698 Stream Valley PUD Section 8 - Final Plat - Full Set \(Signed\)](#)
[4698 Stream Valley Final Plat Section 8 Conditions of Approval 01](#)

This Planning Item was approved.

18. [14-618](#) Westhaven PUD Subdivision, final plat (surety revision), section 42, creating 9 residential lots and 5 open space lots on 0.70 acres, located along Keats Street. (CONSENT AGENDA)

Attachments: [4624 Conditions of Approval](#)

This Planning Item was approved.

FMPC/ADMINISTRATIVE 2015 MEETING AND DEADLINE SCHEDULE

19. [14-635](#) FMPC / Administrative 2015 Meetings and Deadlines Schedule

Attachments: [FMPC - Administrative Meetings and Deadlines Schedule 2015](#)

Mr. Anthony stated that there was one mistake on the 2015 Meeting and Deadline Schedule. Staff copied over the 2014-15 deadline, so that would be for the January 22, 2015 Planning Commission. It had been copied over from last year's approved schedule. It had been brought to staff's attention that this timeframe from December 30 (when applicants get their comments back) to January 2 (when applicants have to resubmit) is not very good. Therefore, staff would like to change the January 2 date to Monday, January 5, 2015, 5:00 p.m., and other than that, staff is fine with the schedule.

A motion was made by Commissioner Harrison, seconded by Commissioner Allen, that this Report was approved.. The motion carried by the following vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

Absent: 1 - Commissioner McLemore

NON-AGENDA ITEMS

ANY OTHER BUSINESS

ADJOURN

There being no further business, the meeting adjourned at 7:34 p.m.

Chair, Mike Hathaway