



City of Franklin

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

Meeting Minutes - Draft

Franklin Municipal Planning Commission

Thursday, December 17, 2015

7:00 PM

Board Room

CALL TO ORDER

- Present** 7 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore, Commissioner Allen, Commissioner Orr, Commissioner Lindsey, and Commissioner Hathaway
- Absent** 2 - Commissioner Franks, and Commissioner Gregory

MINUTES

1. 11-19-2015 FMPC minutes

Attachments: [11-19-15 FMPC Minutes - Draft](#)

Commissioner Harrison moved, seconded by Commissioner Orr to approve the November 19, 2015, Minutes as presented. The motion carried by the following vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore, Commissioner Allen, Commissioner Orr, Commissioner Lindsey, and Commissioner Hathaway

Absent: 2 - Commissioner Franks, and Commissioner Gregory

Chairing: 0

CITIZEN COMMENTS ON ITEMS NOT ON THE AGENDA

ANNOUNCEMENTS

Ms. Diaz-Barriga stated that the 1102 West Main rezoning application was removed from this agenda after public notification went out for the meeting due to an error in their publication. The publication notification error will be remanded, and this application should be placed on the January 28, 2016, agenda.

VOTE TO PLACE NON-AGENDA ITEMS ON THE AGENDA

CONSENT AGENDA

Approval of the Consent Agenda

A motion was made by Commissioner Lindsey, seconded by Commissioner McLemore, to approve the Consent Agenda for items 2, 3, 4, 16, 17, 18, and 19. The motion carried by the following vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore, Commissioner Allen, Commissioner Orr, Commissioner Lindsey, and Commissioner Hathaway

Absent: 2 - Commissioner Franks, and Commissioner Gregory

Chairing: 0

SITE PLAN SURETIES

2. Dallas Downs PUD Subdivision, site plan, section 2A, lot 28 (Heritage Church of Christ); extend the performance agreement for streets improvements for one year. (CONSENT AGENDA)
This Planning Item was approved.
3. Hearth at Franklin Subdivision, site plan, (Assisted Living); release the maintenance agreement for sidewalks improvements; accept the drainage improvements, release the performance agreement and establish a maintenance agreement for one year. (CONSENT AGENDA)
This Planning Item was approved.
4. Through the Green PUD Subdivision, site plan, section 1 (The Grove at Shadow Green); release the maintenance agreement for water, sewer, sidewalks and drainage improvements. (CONSENT AGENDA)
This Planning Item was approved.

ANNEXATIONS AND PLAN OF SERVICES

5. PUBLIC HEARING: Consideration of Resolution 2015-73 To Be Entitled:
"A Resolution Adopting A Plan Of Services For The Annexation Of 4150
Clovercroft Road And The Property Immediately Adjacent To The East, By
The City Of Franklin, Tennessee; (FMPC 12-17-15 7-0; 01/12/16 WS)

Attachments: [RES 2015-73 POS Parish Presbyterian Church Updated 1-12-16](#)
[Parish Presbyterian Church POS Map.pdf](#)

Mr. Baumgartner stated that the Tennessee Code Annotated (TCA) § 6-51-102, as amended, requires that a Plan of Services be adopted by a municipal governing body prior to the passage of an annexation resolution. This Plan of Services was sent to the Department Directors for their recommendations before coming to the Planning Commission. Approval of Resolution 2015-73 is recommended.

Chair Hathaway asked for citizen comments. There were none.

Commissioner Harrison moved, seconded by Commissioner McLemore, that Resolution 2015-73 be recommended to the Board of Mayor and Aldermen for approval. The motion carried by the following vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore, Commissioner Allen, Commissioner Orr, Commissioner Lindsey, and Commissioner Hathaway

Absent: 2 - Commissioner Franks, and Commissioner Gregory

Chairing: 0

6. PUBLIC HEARING: Consideration of Ordinance 2015-75 (Resolution 2015-107) To Be Entitled, "A Resolution And Ordinance To Annex 4150 Clovercroft Road And The Property Immediately Adjacent To The East, Consisting Of 13.6 Acres, Property Located North Of Clovercroft Road And East Of McKay's Mill Subdivision And Adjoining The City Limits Within The Northeastern Part Of The Franklin Urban Growth Boundary (UGB)."; Establishing a Public Hearing for February 9, 2016. (FMPC 12-17-15 7-0; 01/12/16 WS)

Attachments: [Parish Presbyterian Church Annexation Map.pdf](#)
[Annexation Resolution 2015-107 Ordinance 2015-75 Parish Presbyterian Church.docx](#)

Mr. Baumgartner stated that the owners of the Parish Presbyterian Church were requesting annexation. On October 29, 2015, a public hearing was held. . This property is contiguous with the city limits of Franklin. Approval of Resolution 2015-107 Ordinance 2015-75) is recommended.

Chair Hathaway asked for citizen comments.

Alderman Beverly Burger stated that she had talked extensively with the neighbors in the area, and she knew of no negative input. The neighbors were happy that this would improve the property, and they were glad that there were no more homes going in that area.

Mr. Greg Gamble, of Gamble Design Collaborative, requested approval of Resolution 2015-107 to the Board of Mayor and Aldermen.

Commissioner McLemore moved, seconded by Commissioner Orr, that Resolution 2015-107 (Ordinance 2015-75) be recommended to the Board of Mayor and Aldermen for approval. The motion carried by the following vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore, Commissioner Allen, Commissioner Orr, Commissioner Lindsey, and Commissioner Hathaway

Absent: 2 - Commissioner Franks, and Commissioner Gregory

Chairing: 0

REZONINGS AND DEVELOPMENT PLANS

7. *Consideration of Ordinance 2015-76 To Be Entitled, "An Ordinance To Zone 13.6 Acres CI - Civic and Institutional District, SWCO - Seward Hall Character Area Overlay District And Designate As Conventional Area Standards, For The Property Located North Of Clovercroft Road And East Of McKay's Mill Subdivision, 4150 Clovercroft Road And The Property Immediately Adjacent To The East."; Establishing a Public Hearing for February 9, 2016. (FMPC 12-17-15 7-0) FIRST OF THREE READINGS

Attachments: [Parish Presbyterian Church Rezoning Map.pdf](#)
[Ord 2015-76 Zoning.docx](#)
[ParishPresby ReZ Set 12.3.2015.pdf](#)

Mr. Baumgartner stated that the owners of the Parish Presbyterian Church were requesting annexation. The applicant was proposing a new church building with space for classrooms and assembly. The Land Use Plan supports this type of use, and the most appropriate zoning district for these proposed uses is Civic Institutional. Approval of Ordinance 2015-76 to the Board of Mayor and Aldermen is recommended.

Chair Hathaway asked for citizen comments. There were none.

Mr. Greg Gamble, of Gamble Design Collaborative, requested approval of Ordinance 2015-76 to the Board of Mayor and Aldermen.

Commissioner Lindsey moved, seconded by Commissioner Allen, that Ordinance 2015-76 be recommended to the Board of Mayor and Aldermen for approval. The motion carried by the following vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore, Commissioner Allen, Commissioner Orr, Commissioner Lindsey, and Commissioner Hathaway

Absent: 2 - Commissioner Franks, and Commissioner Gregory

Chairing: 0

8. PUBLIC HEARING: Consideration of Resolution 2015-108 To Be Entitled: "A Resolution Approving A Development Plan For Parish Presbyterian Church PUD, For The Property Located North Of Clovercroft Road And East Of McKay's Mill Subdivision, 4150 Clovercroft Rd And The Property Immediately Adjacent To The East."; (FMPC 12-17-15 7-0; 01/12/16 WS)

Attachments: [5995 Parish Presbyterian Dev Plan Conditions of Approval 01.pdf](#)
[Parish Presbyterian Church Development Plan Map.pdf](#)
[PUD Development Plan Resolution 2015-108.docx](#)
[12.3.2015 ParPresSet 9Shts.pdf](#)

Mr. Baumgartner stated that the applicant was proposing to construct a new church building with space for classrooms and assembly. The Land Use Plan supports this type of use. The plan proposed the existing building and parking to remain, and for an additional church building to be constructed just east of the existing driveway, which will be expanded but will retain the mature tree row on site. Approval of Resolution 2015-108, with conditions, was recommended.

Chair Hathaway asked for citizen comments. There were none.

Mr. Greg Gamble, of Gamble Design Collaborative, requested approval of Resolution 2015-108 to the Board of Mayor and Aldermen.

Commissioner Harrison moved, seconded by Commissioner Orr, that Resolution 2015-108 be recommended to the Board of Mayor and Aldermen for approval. The motion carried by the following vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore, Commissioner Allen, Commissioner Orr, Commissioner Lindsey, and Commissioner Hathaway

Absent: 2 - Commissioner Franks, and Commissioner Gregory

Chairing: 0

9. *Consideration Of Ordinance 2015-74, To Be Entitled, "An Ordinance To Rezone 4.66 Acres From Central Commercial (CC) District And Specific Development-Variety (SD-X 34.17/33650/115) District To Specific Development-Variety (33.4/35000/115) District For Multiple Properties Located Within The Block Of 1st Avenue North, Bridge Street, 2nd Avenue North and East Main Street."; Establishing a Public Hearing for February 9, 2016. (12-17-15 FMPC 6-0) FIRST OF THREE READINGS

Attachments: [5991 MAP Harpeth Sq PUD Sub, Rezoning](#)
[Ordinance 2015 - 74 Harpeth Square PUD Rev 1](#)
[Full Set Harpeth Rezoning Revision 1](#)

Chair Hathaway recused himself from item 9 and turned the chair over to Vice Chair Lindsey.

Ms. Diaz-Barriga stated that Ordinance 2015-74 would modify the current zoning of Specific Development-Variety District (SD-X) as well as to rezone the property Central Commercial . It would increase the residential entitlements by 9 dwelling units and reduce the overall 9 residential square footage entitlements. It would also remove a portion of the previously included parcels that have now been subdivided and recorded. These properties were previously approved for the rezoning to SD-X in March 2015. This rezoning continued to be supported by the Land Use Plan for Central Franklin Character Area 1. Approval of Ordinance 2015-74 was recommended.

Vice Chair Lindsey asked for citizen comments.

Mr. Stephane Echols, an ironworker, stated that, if item 9 was allowed to be rezoned and redeveloped, the City should be aware that the individuals who had been developing the City were taking advantage of their employees by exploiting them and refusing them Workers Compensation. He requested that the City of Franklin make a more conscious decision regarding Ordinance 2015-74.

Mr. Greg Gamble, of Gamble Design Collaborative, requested approval of Ordinance 2015-74 and stated that the intent of the request was to include a piece of property that they had hoped to include in the development plan, which was located on Bridge Street directly across the street from the McConnell House. This would allow the applicant to complete the building facade along Bridge Street from Harpeth Square and create a courtyard space that could become a resident amenity. He requested a favorable recommendation to the Board of Mayor and Aldermen.

Ms. Allen wanted to clarify that the net effect would be nine more residential units and less commercial.

Mr. Gamble stated that in talking with staff throughout this process, there had been a change in the state legislature and how they look at commercial intensities. This project has an area that is located along First Avenue that allows the applicant to have some flexibility regarding whether or not it is commercial or residential. It is on the ground level. The Ordinance 2015-74 Development Plan has a range of commercial built into it, and it has been written so that it would include the highest possible residential plus the highest possible commercial to reach their parking counts and their overall intensities. The building cannot not accommodate both the flex for the residential and the flex for

commercial. It has to be one or the other, but it had to be written in such a way that it captured both of those because of the way in which Planned Unit Developments (PUDs) have to be approached going forward.

Mr. Harrison moved to change his recommendation to, "Approve with staff conditions", and Ms. McLemore changed her second to read the same way.

Commissioner Harrison moved, seconded by Commissioner McLemore, that Ordinance 2015-74, with staff conditions, be recommended to the Board of Mayor and Aldermen for approval. The motion carried by the following vote:

Aye: 6 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

Absent: 2 - Commissioner Franks, and Commissioner Gregory

Recused: 1 - Commissioner Hathaway

Chairing: 0

10. Consideration Of Resolution 2015-106, To Be Entitled: "A Resolution Approving A Revised Development Plan For Harpeth Square PUD Subdivision With 5 Existing Modification Of Development Standards and 1 New Modification of Development Standards (Parkland Dedication), For Multiple Properties Located Within The Block Of 1st Avenue North, Bridge Street, 2nd Avenue North and East Main Street."(12-17-15 FMPC 6-0; (01/12/16 WS)

Attachments: [5994 MAP Harpeth Sq PUD Sub, DP revision](#)
[Res 2015-106 Harpeth Square PUD SUBdivision, DP, REV 1](#)
[Development Plan sheet](#)
[Elevations](#)
[FULL SET Harpeth Development Plan Revision 1](#)
[Conditions of Approval 01](#)

Chair Hathaway recused himself from item 10 and turned the chair over to Vice Chair Lindsey

Ms. Diaz-Barriga stated that, beyond the changes to the entitlements that had been discussed with the rezonings, there were several other components to the PUD that were being modified with the Development Plan. There would be an enclosed courtyard amenity for the residential units. The parking garage was being reduced from three vehicular accesses to two, with a connection to First Avenue North being removed. The fourth floor restaurant space was also removed; however, the overall form and use types would remain the same. The revisions had been granted a conceptual Certificate of Appropriateness by the Historic Zoning Commission. The revised development plan would require one new modification of development standards for parkland dedication. The applicant was requesting to use the parkland dedication fees to construct portions of the greenway trail or sidewalks for pedestrian connection to Bicentennial Park. No specific route was being proposed. The Parks Department supported the alternative parkland dedication plan. Approval of the modification of development standards was recommended, along with a favorable recommendation to the Board of Mayor and Aldermen with conditions.

Vice Chair Lindsey asked for citizen comments. There were none.

Mr. Greg Gamble, of Gamble Design Collaborative, requested approval of Resolution 2015-106 to the Board of Mayor and Aldermen.

Vice Chair Lindsey stated that a motion would be handled for the overall item and then the modification of standards would be handled separately.

Mr. Harrison moved, seconded by Ms. Allen that Resolution 2015-106 be recommended to the Board of Mayor and Aldermen for approval.

Vice Chair Lindsey stated that with respect to the modification of standards, the applicant was requesting to be allowed to use the required parkland dedication fees to construct portions of the greenway trail or sidewalks for pedestrian connection to Bicentennial Park. No specific route was being proposed, but the Parks Department was going to support an alternative parkland dedication plan.

Ms. McLemore moved, seconded by Alderman Petersen, to allow for the modification of standards.

Ms. Allen asked the staff how they would make sure that the park would be built in a way that would meet the Parks Department specifications.

Ms. Diaz-Barriga stated that it would be reviewed when it was proposed at the site plan level, and the construction of it would be reviewed at the Design Review Team (DRT).

Ms. Allen stated that she just wanted to make sure that, if the Planning Commission approved the modification of standards for the parkland dedication plan, it would be completed.

Ms. Diaz-Barriga stated that it would be required. The applicant would have to do a parkland dedication, and this would allow them to build the greenway trail or the sidewalks. The proposed constructed would be approved at the site plan stage.

Ms. Allen stated that she wanted it to be clear that she wanted it built the way that the Parks Department wanted it built since the City was granting the applicant concession.

Alderman Petersen stated that this was definitely a better recommendation for the parkland dedication fee than was originally seen. However, everything in the new Parks Master Plan would need to be approved by the Board of Mayor and Aldermen. She wanted to add to the modification of standards that the parkland fees would have to be approved by the Board of Mayor and Aldermen, and the specific use of them for the location of the greenway or sidewalks. Presently, the revised Parks Master Plan did not have a priority for any greenway or trails. There were several recommendations, but no priority for them. She thought this would have to go to the Board of Mayor and Aldermen to be approved, and the use of the fees would have to be approved by the Board of Mayor and Aldermen.

Alderman Petersen stated that she had noticed on some of the pages that there was a change on the FEMA flood maps. A dark solid line showed the proposed floodway, and it cut off considerably more of the developing area than the original one.

Mr. Gamble stated that they were asked to make that line very bold, and they did so. The applicant wanted to make sure that everyone knew that FEMA was proposing to change to the floodline in this particular location. They would have asked for a letter of map revision if the new maps had been adopted by FEMA. In any other instance, they would ask for a letter of map revision.. The plan construction documents were designed in anticipation of the new line. The applicant was responding to the new requirement that residential be three feet above the floodplain and commercial be one foot above the floodplain.

Alderman Petersen stated that the new FEMA maps had been out for some time now, and she asked if one could expect this to be finalized in the next few months. Mr. Tom Allen thought it was very safe to say that it was several months out before it would be approved. Alderman Petersen stated that she assumed there would need to be some cut and fill. Mr. Allen stated that it would. Alderman Petersen asked if that would require the Corp of Engineers' agreement, and Mr. Allen stated that it would..

Mr. Orr asked if the approval was for the floodway or floodplain. Mr. Allen stated that it

was for the floodplain, which contained the floodplain and that work within the floodway it had to be demonstrated that there would be no rise or impact.

Vice Chair Lindsey asked if there would be a difference between the base flood elevation on the old map and the new map. Mr. Allen stated that he believed it would be about two feet higher. Vice Chair Lindsey stated that the intention was that the end product conform to the maps that would become effective when the FEMA process was completed. When Mr. Gamble mentioned "three feet above," that was the new flood elevation.

Alderman Petersen stated that a request had been made asking for valet parking on the street. Mr. Gamble stated that the valet drop-off would be on Second Avenue, and it was upon the advice of Planning and Engineering to ask the Board of Mayor and Aldermen to allow for valet parking within the right-of-way.

Ms. McLemore stated that there was a comment from the staff regarding delivery vehicles on Second Avenue. She asked if this could be addressed, because there was a serious concern about this. Mr. Gamble stated that the height of the garage on the first level would be 16 feet. They had not been able to demonstrate that with their building plans at this point. Most of the delivery trucks, delivering furniture for move-in, would be 35 feet long U-haul semi-trucks. Those vehicles could turn into the garage, turn to the right, and exit out onto Main Street without having to back up and turn around. A semi-truck would have to plan ahead and back into this space, but that would be a very rare occurrence. Most of the deliveries would be able to circulate into the garage without issue. Ms. McLemore asked if there could be certain times for delivery since Second Avenue was already congested. Mr. Gamble stated that it could be, since this would be just like downtown Franklin, and the deliveries for those restaurants were scheduled ahead of time.

Commissioner Harrison moved, seconded by Commissioner Allen, that Resolution 2015-106 be recommended to the Board of Mayor and Aldermen for approval. Commissioner McLemore moved, seconded by Commissioner Petersen, to approve the Modification of Standards, with the added condition that the allocation of fees and the specific use and location be approved by the Board of Mayor and Aldermen. The Modification of Standards motion carried by the following vote (6-0). The main motion carried by the following vote:

Aye: 6 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

Absent: 2 - Commissioner Franks, and Commissioner Gregory

Recused: 1 - Commissioner Hathaway

Chairing: 0

11. Consideration Of Resolution 2015-101, To Be Entitled: "A Resolution Approving A Development Plan For Carothers Crossing East PUD Subdivision With 3 Modifications Of Development Standards (1. Exceed Maximum Parking Lot Width, 2. Reduction In Landscape Buffer, 3. Accessory Use In Front Yard), For The Property Located East Of Carothers Parkway And North Of Liberty Pike, 1214 Liberty Pike." by the City of Franklin, Tennessee."; (FMPC 12-17-15 7-0; Consideration Of A Request By Harpeth Associates To Occupy A Portion Of The Second Avenue Public Right-Of-Way For The Purpose Of Offering Valet Parking To Guests Of The Hotel Proposed In The Harpeth Square Redevelopment Project. (01/12/16 WS)

Attachments: [5977 MAP Carothers Crossing PUD Subdivision.pdf](#)
[5977 Overall Site Carothers Crossing PUD Subdivision.pdf](#)
[5977 Elevations Carothers Crossing PUD.pdf](#)
[Res 2015-101 Carothers Crossing East PUD SUBdivision, DP.pdf](#)
[5977 Carothers Crossing Conditions of Approval 01.pdf](#)

Mr. King stated that first came before the Planning Commission at the October 22, 2015, Joint Conceptual Workshop. It proposed two commercial-use buildings totaling 168,577 square feet on 15.35 acres. The three requests for modifications of standards were to exceed the maximum parking lot width, to reduce the landscape buffer, and to have an accessory use in the front yard.

Approval, with conditions and the three modifications of standards, of Resolution 2015-101, was recommended.

Mr. Holzen stated that Engineering had received a road impact fee offset request, which would be resolved prior to a Board of Mayor and Aldermen Work Session.

Chair Hathaway asked for citizen comments. There were none.

Mr. Dwight Kiser, of Kiser + Vogrin Design, LLC, represented the applicant and stated that they were in agreement with the staff recommendations and requested approval.

Chair Hathaway asked if Mr. King could go through each modification of standards separately.

Mr. King stated that modification of standards 1 was to exceed the maximum parking lot width. The location of the main structure for the parking lot in front of it would exceed the maximum width set forth by the Zoning Ordinance. The applicant had designed a generous landscaping treatment to mitigate the effects of having a large parking lot in front of the building. The staff recommended approval with conditions for this modification of standards. Alderman Petersen asked what the width of the parking lot would be, and Mr. Kiser stated that the setback would be roughly 400 feet.

Mr. King stated that modification of standards 2 was for a reduction in the landscape buffer. The buffer of approximately 250 feet to the rear of the two-story building would be from 50 feet to 25 feet and approximately 475 feet along the eastern border of the property from 50 feet to 25 feet. The surplus landscape would be made up throughout

the site. The staff recommended approval with conditions for this modification of standards.

Mr. King stated that modification of standards 3 was for accessory use in the front yard. The primary use for the two-story building closest to Liberty Pike was intended to be a fitness/wellness center. A pool that had been displayed on The staff recommended approval with conditions for this modification of standards.

Commissioner Allen moved, seconded by Commissioner Orr, that Resolution 2015-101 be recommended to the Board of Mayor and Aldermen for approval. Commissioner Allen moved, seconded by Commissioner Harrison, to approve Modification of Standards 1, and the motion carried by the following vote (7-0). Commissioner Harrison moved, seconded by Commissioner Allen, to approve Modification of Standards 2., and the motion carried by the following vote (7-0). Commissioner Harrison moved, seconded by Commissioner Orr, to approve Modification of Standard 3, and the motion carried by the following vote (7-0). The main motion carried by the following vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore, Commissioner Allen, Commissioner Orr, Commissioner Lindsey, and Commissioner Hathaway

Absent: 2 - Commissioner Franks, and Commissioner Gregory

Chairing: 0

12.

Consideration Of Resolution 2015-100 To Be Entitled: "A Resolution Approving A Development Plan Revision For McKays Mills PUD Subdivision, For The Property Located North Of Liberty Pike And East Of Oxford Glen Drive, 2100 Oxford Glen Drive."; (FMPC 12-17-15 7-0; 01/12/16 WS)

Attachments: [5980 Map McKays Mill PUD Subdivision Revision 5.pdf](#)

[5980 Site Layout McKays Mill PUD Subdivision.pdf](#)

[5980 Elevations McKays Mill PUD Subdivision.pdf](#)

[5980 Full Set Plans McKaysMill PUD Subdivision, Developent Plan Revision,.pdf](#)

[Res 2015-100 McKays Mill PUD Subdivision, DP, Rev 5.docx](#)

[5980 Conditions of Approval Mckaysmill.pdf](#)

Mr. King stated that Resolution 2015-100 was to allow an institutional use, a day care center, into McKays Mill PUD Subdivision, and approval was recommended.

Chair Hathaway asked for citizen comments. There were none.

Mr. Caleb Thome, of Ragan Smith Associates, stated that he represented the applicant and requested approval of the Board of Mayor and Aldermen.

Commissioner McLemore moved, seconded by Commissioner Harrison, that Resolution 2015-100 be recommended to the Board of Mayor and Aldermen for approval. The motion carried by the following vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore, Commissioner Allen, Commissioner Orr, Commissioner Lindsey, and Commissioner Hathaway

Absent: 2 - Commissioner Franks, and Commissioner Gregory

Chairing: 0

13. Consideration of Ordinance 2015-78 To Be Entitled: "An Ordinance To Rezone 0.45 Acres From R-3 Detached Residential 3 District To SD-R 4.44 Specific Development Residential, For The Property Located East Of Columbia Avenue And North Of Gist Street, Located At 117 Gist Street." (FMPC 12-17-15 Motion for DISAPPROVAL passed 7-0)

Attachments: [117 Gist Street PUD Subd Rezoning Map.pdf](#)
[Ord 2015-78 117 Gist Street PUD Subd](#)
[117 Gist Street PUD Subdivision, rezoning - submittal 003.pdf](#)

Mr. Baumgartner stated that the applicant was requesting a rezoning of this property to allow the additional home to be located on the lot, with the proposed lot to be accessed off of Battlefield Drive. The Land Use Plan supported the continued use of detached residential within this Character Area, and approval of Ordinance 2015-78 was recommended.

Chair Hathaway asked for citizen comments.

Mr. Bill Munson, of 233 Adams Court, stated that the northeast corner of the subject property was the southwest corner of his property. He stated that he had 33 signatures that were opposed to this development, and comments from 10 additional Franklin residents, and he submitted a copy of the 33 names for the minutes. He stated that they did not support a second home on this property. The first reason was for privacy and density. The proposal, as he had reviewed it prior to this meeting, had the front entrance of the home facing the back of his home. They agree with the R-3 zoning, and they agree with the applicant's right to replace a home on his property with another home of a large size, but a second home seems excessive to the neighbors. The real concern for everyone is stormwater management. He was talking about any kind of rain over an inch or two. They routinely have the discharge of both Battlefield and Gist converging onto Adams Square, which is where he lives. To create as much impervious as would be created on this 0.45 acre would create a stormwater risk for him. He had reviewed the plan and was familiar with raingardens. He actually has a proposal in front of Metro-Nashville to introduce raingardens, this was only meant to manage the first inch of stormwater, and it does require maintenance. He thought it was excessive to be subjected to maintaining a raingarden. His last comment was regarding the congestion on Battlefield Drive. He and his family experienced a fire in May 2015. Two fire units were called, fortunately they were able to extinguish the fire before the first unit arrived onsite, and they were able to call off the second unit. They had nine pieces of emergency equipment for a fire that Mr. Munson extinguished before the fire trucks arrived. Had the fire engaged any of the neighboring houses, the fire department would have needed the two units plus, and that did not include emergency vehicles for ambulances, etc. He was not in favor of items 13 and 14.

Mr. Jay Lehman, of 109 Battlefield Drive, stated that he did not see room for a driveway coming off the end of Battlefield Drive. As Battlefield Drive was developed in the 1950s, the lots are very narrow with limited parking except at one's home. Several of the people on this street have to park in front of their homes. The proposed driveway coming off of Battlefield Drive would completely take away the parking for 112 Battlefield Drive, which would need to be used in front of the house. He thought it was too crowded to add another driveway and more parking. He was not in favor of items 13 and 14.

Third Ward Alderman Mike Skinner, of 258 Sontag Drive, echoed the statements of Mr.

Lehman. Battlefield Drive is inadequate as far as providing parking for existing homeowners. If this access is approved, then more parking will be removed, and a bad situation will be made even worse.

Ms. Vicky White, of 112 Battlefield Drive, stated that the previous citizens had made positive statements about Ordinance 2015-78. Item 13 would put a driveway in the front of her home, and she was opposed to it.

This ended citizen comments.

Mr. Daniel Woods, of the Addison Group, stated that he was representing the applicant and stated that they were requesting rezoning to Specific Development - Residential District (SD-R) as the lots stand presently. Most of the lots to the west are actually non-conforming lots that are less than the required density for Detached Residential 3 District (R-3) so they were rezoning to match the lot widths and sizes of those lots on Battlefield Drive to the west. These two lots will be .22 acres. Most of the lots, west on Battlefield, are a little bit under that, so this will match the same size of the lots. Also, the applicant and owner will adhere to the R-3 standards. They are not going to exceed anything outside of that. The only thing that kicks in for rezoning is the density, which equates to 4.40 units per acre. They are proposing a house on the north side of this property that would be accessed off of Battlefield Drive. That access to that right-of-way is a little over 20 feet, so there is a sufficient amount of space to be able to provide a driveway. They are adding two additional guest parking spaces on this site, so that, in addition to the two-car garage would allow the ability to park four cars within the site itself and would not add any additional parking to the onstreet. They are not asking for anything above and beyond R-3. They have reviewed stormwater indepth with their engineer and have provided calculations to the City's Engineering Department showing that they will meet the pre-and post-requirements for both the City of Franklin and the State of Tennessee. Engineering has looked at this site and determined that most of the drainage actually bypasses this property. Regardless of that fact, they will be making sure that this has zero impact on the drainage perspective even after the house is proposed. In addition to that, they are working on some best management practices as far as drainage is concerned so they have some raingardens proposed onsite. They have previous pavers at the driveway that is accessed off of Battlefield Drive. This project meets the requirements for the landscape surface ratio for R-3, and they are not proposing any variances to that at this point. They will be required to show full drainage calculations and infiltration rate at the site plan stage. He requested approval of Ordinance 2015-78 to the Board of Mayor and Aldermen.

Ms. Allen moved to disapprove Ordinance 2015-78, seconded by Alderman Petersen.

Alderman Petersen stated that she thought it showed 17 feet of adjacent right-of-way on the aerial picture; however, on the next page it showed 20 feet. Mr. Woods stated that, in the early documents, it was measured , but the survey measured at 20 feet. Alderman Petersen stated that Battlefield Drive is actually not a street that works to put an access on. There is a 10 foot drainage easement on the property.

Ms. Allen stated that this was not a good situation. She thought it would just be adding to a bad situation. Having been Third Ward Alderman, she did not believe this was the place for an additional home.

Ms. McLemore stated that she had some issues with the stormwater that could not be addressed. Mr. Woods stated that the City's Engineering and Stormwater Department did

not have any additional comments for the applicant. He would appreciate it if the Engineering Department could address the stormwater issues because he knew there was a problem with the stormwater, and he thought that his engineers had alleviated the problem. Mr. Scruggs, City Engineer, stated that most of the Engineering Department was consistent with Mr. Lehman's comments regarding the drainage situation. Battlefield Drive was not a very well-drained area, and more engineering would have to take place before this could be approved. There was an open comment regarding the stormwater, and the municipal code required stormwater to be discharged through an appropriate easement and/or into a right-of-way. Water cannot be directly discharged onto an adjacent property without an easement. This was not available and would need to be obtained before the stormwater could be discharged.

Vice Chair Lindsey asked if the 10-foot water easement that was on this project continued on the adjoining properties. Mr. Scruggs stated that, as far as he could tell, there was the one easement. Looking at the layout of the subdivision, it looked as though it was pieced together and did not really get built the way it was dreamed of getting built. The 10-foot easement would remain on this one property. It did not connect to anything, and this would need to be addressed by the applicant before Engineering could approve it.

When Vice Chair Lindsey looked at the topographic maps for the Battlefield area, it appeared that the drainage coming off the back of the lot, in question, wanted to drain to the east across the subsequent lot. There was not a well-defined conveyance of any kind, and ultimately it went to the Harpeth River over and beyond north and east of Adams Street.

Mr. Scruggs stated that they had noticed that most of the drainage that came down Battlefield was intercepted in the lot just north of the proposed lot. There was a micro-swell through this area, and it sheet flowed between two properties on Adams Court, but it was very soggy. When walking in this area on a moderately dry day, one would notice that there was not a lot of positive drainage. When looking at this lot and observing where the water went it was a little confusing as to exactly how the stormwater was handled presently. He thought that this could be handled at the site plan level, which would be addressed if the project was approved.

Alderman Petersen stated that, if one were to look at the second house, it would be looking into all of the other homes right around this house because they were also very close to the property line.

Chair Hathaway asked Ms. Billingsley if the Planning Commission had enough information as for denial to back up the disapproval.

Ms. Billingsley stated that, since this was a rezoning, there did not have to be a reason to disapprove.

Commissioner Allen moved, seconded by Commissioner Petersen, that Ordinance 2015-78 be recommended to the Board of Mayor and Aldermen for disapproval. The motion carried by the following vote:

No: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore, Commissioner Allen, Commissioner Orr, Commissioner Lindsey, and Commissioner Hathaway

Absent: 2 - Commissioner Franks, and Commissioner Gregory

Chairing: 0

14. PUBLIC HEARING: Consideration of Resolution 2015-110 To Be Entitled: "A Resolution Approving a Development Plan for 117 Gist Street Subdivision, for the property located East of Columbia Avenue and North of Gist Street, 117 Gist." (FMPC 12-17-15 Motion for DISAPPROVAL passed 7-0; BOMA WS 01/12/16)

Attachments: [117 Gist Street PUD Subd Development Plan Map.pdf](#)
[Resolution 2015-110 117 Gist St PUD Subd](#)
[5961 117 Gist St Dev Plan Conditions of Approval 01.pdf](#)
[117 Gist St Combined Plans.pdf](#)

Mr. Baumgartner stated that the site was a long lot that had street frontage on both Gist Street and Battlefield Drive. The applicant was proposing to build an additional house on the existing lot that would face and be accessed off of Battlefield Drive. The proposed lots would be similar in size to both the lots along Battlefield Drive and Gist Street, they would match the front and side yard setbacks of both streets. Approval of Resolution 2015-110 was recommend.

Chair Hathaway asked for citizen comments. There were none.

Mr. Daniel Woods, of the Addison Group, stated that the staff had recommended approval of both Ordinance 2015-78 and Resolution 2015-110 and there were no conditions of approval. They were happy to work out anything they could going into this, but he wanted to make it clear that there were no conditions of approval from Engineering and Stormwater, and he requested approval.

Mr. Harrison stated that there were conditions of approval for item 14, Resolution 2015-110.

Alderman Petersen stated that she noticed that this project was saying that it fronted on Battlefield Avenue, but it would not..

Commissioner Allen moved, seconded by Commissioner Petersen, that Resolution 2015-110 be recommended to the Board of Mayor and Aldermen for disapproval. The motion carried by the following vote:

No: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore, Commissioner Allen, Commissioner Orr, Commissioner Lindsey, and Commissioner Hathaway

Absent: 2 - Commissioner Franks, and Commissioner Gregory

Chairing: 0

15. *Consideration of Ordinance 2015-79 To Be Entitled, "An Ordinance To Rezone 10.09 Acres From AG Agricultural District and ER Estate Residential District To NC Neighborhood Commercial For The Property Located At The Southeast Corner of South Carothers Parkway And South Carothers Road."; Establishing a Public Hearing for February 9, 2016. (FMPC 12-17-15 7-0) FIRST OF THREE READINGS

Attachments: [MAP 6002 South Carothers](#)
[Ordinance 2015 - 79 S Carothers NC rezonings](#)

Mr. Humber stated that the staff was the applicant for this rezoning, which was being recommended in order to implement the Land Use Plan and in anticipation of the need for neighborhood commercial property at this location. With the rapid development along South Carothers Parkway, this property should be zoned ready for the necessary neighborhood services that will be in demand, and approval of Ordinance 2015-79 was recommended.

Chair Hathaway asked for citizen comments. There were none.

Ms. McLemore stated that she thought this was good this was being done and not having to have the developer come before the Planning Commission to go through the complete process when the City knows that there is the need for this kind of rezoning.

Commissioner Harrison moved, seconded by Commissioner McLemore, that Ordinance 2015-79 be recommended to the Board of Mayor and Aldermen for approval. The motion carried by the following vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore, Commissioner Allen, Commissioner Orr, Commissioner Lindsey, and Commissioner Hathaway

Absent: 2 - Commissioner Franks, and Commissioner Gregory

Chairing: 0

SITE PLANS, PRELIMINARY PLATS, AND FINAL PLATS

16. Duke Properties Subdivision, final plat, Revision 1, 2 commercial lots on 21.78 acres located at the northeast quadrant of the intersection of Liberty Pike and Carothers Boulevard (CONSENT AGENDA)

Attachments: [5978 MAP Duke Properties Subdivision, Rev 1.pdf](#)
[FP Duke Property Subdivision Revision 1.pdf](#)
[5978 DukeProperties Conditions of Approval 01.pdf](#)

This Planning Item was approved.

17. Fair Park Cottages, final plat, (Resubdivision of Lot 1 of Depriest Subdivision and Lot 5 of JJ Green Subdivision), 3 residential lots on 3.31 acres located between 11th Avenue and West Main Street. (CONSENT AGENDA)

Attachments: [5979 FairPark Cottages FP.pdf](#)
[COF 5979 Fair Park Cottages, Final Plat 12-3-15.pdf](#)
[5979 FairPark FP Conditions of Approval 01.pdf](#)

This Planning Item was approved.

18. Pickering West Property, request for one-year extension of FMPC's decision regarding an appeal of DRT decision regarding hillside development and slope protection standards, for the site located at the southeast corner of Interstate-65 and East McEwen Drive. (CONSENT AGENDA)

Attachments: [2015.11.09 Barriga.OneYearExtensionRequest](#)
[original staff report](#)

This Planning Item was approved.

19. Henry Park Subdivision, 2-lot subdivision, on 1.17 acres, located at 706 Liberty Pike. (CONSENT AGENDA)

Attachments: [MAP COF5987 Henry Park Subdivision](#)
[Conditions of Approval 02](#)
[henry park final plat signed 12-2-2015](#)

This Planning Item was approved.

LAND USE PLAN AND ZONING ORDINANCE TEXT AMENDMENTS

20. Land Use Plan Amendment request, to add Attached Residential as a recommended land use in the McEwen Character Area, Special Area 5, located along South Royal Oaks Drive between Mack Hatcher Parkway and I-65 and in the vicinity of the Murfreesboro Road/Carothers Parkway intersection.

Attachments: [5992 McEwen 5 LUPA Map](#)
[McEwen LUP Excerpt](#)
[5992 Applicant Information](#)

Ms. Hunter stated that the McEwen Character Area, Special Area 5 (MECO-5), was mostly made up of commercial and office uses and extended from the Mack Hatcher/South Royal Oaks intersection on the west to Rolling Hills Hospital on the east. The Southwinds Apartments, Forrest Crossing Subdivision, and Creekstone Subdivision included residential uses located on the west side of MECO-5.

The applicant desired to amend the Land Use Plan in order to allow attached residential uses in MECO-5, specifically in regards to the parcel directly behind Home Depot (Parcel 101.19) and the parcel directly south of Oak Meadow Drive (Parcel 88.00). The Land Use Plan designated both parcels in the Activity Center Design Concept and called for commercial or office uses. Attached residential uses on the upper floors of mixed use buildings could be supported, but standalone multi-family housing was not supported by the Land Use Plan in MECO-5.

The McEwen Character Area served as the City's regional commercial corridor and economic engine. About ten percent of the total land area in the City was zoned GC, which allowed for a wide range of commercial, office, and institutional uses, and was the predominant zoning found in the McEwen Character Area. Of the parcels zoned GC, about ten percent remained vacant.

As the McEwen area continues to build out, the amount of vacant land zoned GC is greatly diminishing. The Planning and Sustainability Department advised against supporting new multifamily development in the McEwen 5 character area in order to preserve commercially-zoned land in this area.

One of the parcels was located between The Home Depot and I-65 and may be best suited for a nonresidential use due to nuisances related to loading activities and noise from I-65. The high visibility of the property from I-65 also reinforced the importance of commercial or office development on this parcel.

Multifamily residential development made up 21 percent of the existing housing stock. In the last six years, approvals for new multifamily residential developments had risen sharply. In 2014, 76 percent of the dwelling units approved were multifamily apartments. While multifamily residential development is important, efforts should be made to retain property classified and zoned for commercial and office uses. There should be a balance between commercial and residential development in the McEwen Character Area, and residential uses in this character area should continue to be an ancillary and secondary use that supports the commercial base.

Disapproval of the Land Use Plan amendment was recommended.

Chair Hathaway asked for citizen comments. There were none.

Mr. Adam Crunk, of Crunk Engineering LLC, stated that he was representing Epic Residential. They had read the staff report and do not agree with the staff recommendation. Both of the properties have been zoned some form of commercial for the past several decades, and they have yet to be developed. Even though the staff report suggests that the City is in need of preserving commercial land, some properties are better suited for commercial development than others. Mr. Warner Bass, the owner of both properties, was in attendance at this meeting. He has owned these two properties for over thirty years. Since Home Depot was developed in 2000, Mr. Bass has received little to no interest for any commercial development on the surrounding properties, including where the assisted living facility is being constructed today. Mr. Tom McArthur, of McArthur and Sanders, one of the most respected real estate brokers in Williamson County was at the meeting to offer his thoughts and opinions as to the limited nature of commercial development that was reasonably possible for these properties. The staff report mentioned the nuisance of the interstate and the Home Depot site and how that might effect potential residential development on the northern property. Epic Residential has considerable experience developing multi-family units immediately adjacent to freeways along with commercial areas, and they are prepared to design the development to mitigate those issues. The staff report goes into considerable detail about the multi-family units the City has recently approved. Using the information in the 2014 Staff Development Report, the when existing housing stock plus all of the residential units that have been approved but not constructed the total percentage of multi-family units only changes from 21 percent today to 25 percent in the future. That is hardly a glut of multi-family units. In fact, if one looks closely at the figures, clearly the City of Franklin is trying to play catch-up to the lack of multi-family that was developed during the decade between 2000 and 2010. The City of Franklin is a major economic force in the state of Tennessee. The number of large corporations relocating to Franklin has resulted in a higher demand for multi-family units that should not be ignored. Mr. Crunk continued to discuss the Land Use Plan Amendment that he was requesting and compared this area to the Cool Springs area. He believe that Cool Springs would benefit from the development of multi-family units, which would allow citizens to live and work in the same vicinity and would allow a more walkable community, which would be sustained for generations. He requested approval from the Planning Commission for this Land Use Plan Amendment.

Mr. Tom McArthur, of McArthur and Sanders, stated that his role was to evaluate this site, which adjoins Home Depot relative to the highest and best use taking into account the location, access, visibility, dimensions of the site and the current zoning. He gave a description of the dimensions and location of the site and added that it had good visibility to I-65. He took the liberty to review the plats of several of the retail centers in the area, and he provided the lot dimensions as he had provided the dimension of his project. Given the physical constraints of the site relative to the lot width and the lack of direct access and visibility to South Royal Oaks and the distance from South Royal Oaks, it was Mr. McArthur's opinion that the site would not be suitable for retail development. He discussed the alternative zoning uses for permitted uses, such as office, automobile dealerships, office showroom, etc., and stated that an automobile dealership, which might take advantage of the interstate visibility would not be permitted if that use had a service garage. He discussed the rental asking price per square footage of office space in this area and stated that it was about 10 to 20 percent below the asking rents of similar buildings in the Cool Springs area. His comparison of recent sells of office buildings in this area compared to the Cool Springs Sub-market also reflect lower unit prices by 15 to 25 percent. The width of the property also limits the footprint of potential office buildings. He continued to compare this area with the Cool

Springs area. Based on all factors, it was his opinion that the subject site offered significant limitations for retail development.

Mr. Warner Bass, the owner of the property, stated that he owned the property as trustee for various family members, and they had owned the tracts for 32 years and almost 40 years. Subsequently, they had a developer partner and built South Royal Oaks Boulevard and hooked it up with South Royal Oaks that was developed across Forrest Crossing. That was built entirely with private money. It was built for the purpose of with serving this particular development, and it has come to serve many people who live south of Franklin as well. He gave detailed background information on this project and stated that they had hoped this area would have been the next area that major commercial, retail, and office would go; however it has not happened. The great, vast majority of development has occurred in the Cool Springs area. After Home Depot was developed, they thought that this property next to Home Depot would be a logical site for a big box retail use, but they never had a call concerning their tracts. After almost 40 years, his family has concluded that these particular sites are not desirable for retail and office. Retail and office use brings a better price than multi-family use. If they thought that retail and office was available in this area, they would not be at this meeting tonight. The fact is the market determines where those sorts of things will go, and no one can determine what will there there if the market does not want it there. They thought this would be a good site for apartments. It has walkability, part of the property backs up to Watson's Branch, and they had always hoped that a trail could be part of the Franklin greenway system. That would work well with apartments. They requested approval from the Planning Commission to take this initial step to allow Epic to prepare a more detailed zoning plan and give them the opportunity to not be at a further disadvantage to Cool Springs.

Mr. Harrison moved to approve item 20, and Ms. McLemore seconded the motion.

Mr. Harrison stated that his past experience had been extensive in commercial real estate. He thought the site to the south would work well as a transition between the retail and single-family and Creekstone to the south, as well as the site behind The Home Depot. Apartments could be built with design standards that would alleviate the noise from the traffic and work very well, and he thought this was be an appropriate use for multifamily on both parcels.

Mr. Orr stated that the Planning Commission recently denied a request to build apartments at the end of South Royal Oaks Boulevard, and he saw this as being no different from that based on the traffic from Royal Oaks. He would be voting against this project.

Ms. Allen stated that the Planning Commission needed to be more aware of their decisions and how they affected the quality of life for the individuals who already lived in Franklin.

Commissioner Harrison moved, seconded by Commissioner McLemore, that item 20 be approved. The motion carried by the following vote:

Aye: 4 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore, and Commissioner Hathaway

No: 3 - Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

Absent: 2 - Commissioner Franks, and Commissioner Gregory

Chairing: 0

21. Land Use Plan Amendment request, to move the existing boundary between Central Franklin Character Area, Special Area 3, and Southall Character Area, Special Area 6, located at 302 Avondale Drive and 1543 Columbia Avenue.

Attachments: [AVONDALE LUPA Map](#)
[CFCO3 and SOCO6 LUP Excerpt](#)
[Avondale LUPA Exhibit 09 03 15](#)
[REQUEST FOR AMENDING THE FRANKLIN LAND USE PLAN 9 03 15](#)

Ms. Hunter stated that both of the subject properties were zoned Heavy Industrial and were designated to remain as industrial areas in the Land Use Plan. The applicant was requesting a special area boundary change to the Central Franklin Character Area 3 to allow for new mixed residential redevelopment. The Central Franklin Character Area 3 supported attached and detached residential uses. New infill and redevelopment were recommended to be designed as traditional neighborhood development that respected the character of the established development pattern in the Central Franklin Character area 3.

This area was transitional in terms of land use, and the only access to the property was provided from an established residential street. This area could support attached and/or detached residential land uses and function as an extension of the established James Subdivision to the north.

Approval of the Land Use Plan amendment request was recommended.

Chair Hathaway asked for citizen comments.

Mr. Brett Jones, of 311 Meadowlawn Drive, stated that he was in the same neighborhood, and his street was heavy industrial. The present zoning does not make sense in this neighborhood. There is old industrial uses that butt up to residential. It is starting to change, and that is what is going on with this new Land Use Plan Amendment request. He would like to see more of this in his neighborhood.

Mr. Dan Crunk represented the applicant, stated that they agreed with the staff comments, and requested approval.

Mr. Harrison moved for approval with staff conditions, and Ms. Allen seconded the motion.

Alderman Petersen stated that, obviously, the zoning for item 21 would not go industrial, but all of the areas around it was detached residential. She noticed that the recommendation was detached and attached, and everything in James Subdivision was detached.

Ms. Hunter stated that everything in Central Franklin Character Area 3 recommended detached or attached residential uses. It recommended for a combination but did not have the classification that it needed to be compatible with what was nearby. These recommendations were usually made during the PUD stage or the site plan stage. The property would also need to be rezoned, and a development plan would have to be approved.

Commissioner Harrison moved, seconded by Commissioner Allen, that item 21 be approved. The motion carried by the following vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore, Commissioner Allen, Commissioner Orr, Commissioner Lindsey, and Commissioner Hathaway

Absent: 2 - Commissioner Franks, and Commissioner Gregory

Chairing: 0

22. Consideration Of Ordinance 2015-51, As Amended, To Be Entitled "An Ordinance To Amend The Zoning Ordinance Of The City Of Franklin, Tennessee, Chapter 3, Section 3.2, Subsection 3.2.7(5) Pertaining To Convenience Stores And Automotive Fuel Sales And To Amend Chapter 5, Section 5.3, Subsection 5.3.6(3) Pertaining To Automotive Uses On Lots Located At Major Intersections And To Modify Figure 5-37 Which References Subsection 5.3.6 (3) And To Amend Chapter 5, Section 5.3, Subsection 5.3.6(9) Which References Roof Types On Non Residential Structures." (11-10-15 1st Reading BOMA: 8-0; 12-10-15 2nd Reading And Public Hearing Postponed And Proposed Amendment Referred To 12-17-15 FMPC by BOMA 8-0; 12-17-15 FMPC approved proposed amendment 7-0; 01/12/16 WS). SECOND OF THREE READINGS

Attachments: [CoolSpringsCorridor AutoUses](#)

[EasternQuadrant AutoUses](#)

[NorthenQuadrant AutoUses](#)

[SouthernQuadrant AutoUses](#)

[WesternQuadrant AutoUses](#)

[Ordinance 2015-51 DecRevision Convenience Stores and Automotive Uses](#)

Mr. King stated that the initial intent of Ordinance 2015-51 was to remove restrictions on corner-lot automotive uses. At the last Board of Mayor and Aldermen meeting, the language of the revised ordinance was modified as stated in the staff report. Ordinance 2015-51, as amended, would prohibit convenience stores that sold gasoline from locating adjacent to properties zoned residential or properties whose primary use was residential, unless approved by the Board of Mayor and Aldermen as part of a PUD plan.

The second part would meet with the original intent, which was to permit convenience stores, automotive fuel sales, and other automotive-oriented uses to locate at intersections, with the exception of the intersection of two or more major or minor arterial streets. That remained the same as the last time this was discussed at the Planning Commission meeting.

The third part would require that structures intended for automotive fuel sales or automotive-oriented service uses have pitched roofs for both the principal structure and associated canopies. That remains the same as the last time this was discussed at the Planning Commission meeting.

Approval of Ordinance 2015-51 was recommended.

Chair Hathaway asked for citizen comments. There were none.

Alderman Petersen stated that this was proposed, but the amendment was not voted on.

Ms. Billingsley stated that the Board of Mayor and Aldermen went back and forth on this item, and it could have just been deferred. However, Mr. McLendon made the motion to go ahead and amend it on the floor, and so it passed. Item 22 was now back before the Planning Commission for their approval with the amendment.

Ms. Allen asked why it had come back to the Planning Commission if the Board of Mayor and Aldermen had already approved it.

Ms. Billingsley stated that the state law was that, if it is an amendment that amends the Zoning Ordinance, the Planning Commission has to see it and recommend the language. Since this item has not passed the Board of Mayor and Aldermen on third reading, they would like for it to come back to them for that reading.

Commissioner Harrison moved, seconded by Commissioner Orr, that Ordinance 2015-51 be recommended to the Board of Mayor and Alderman for approval. The motion carried by the following vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore, Commissioner Allen, Commissioner Orr, Commissioner Lindsey, and Commissioner Hathaway

Absent: 2 - Commissioner Franks, and Commissioner Gregory

Chairing: 0

23.

***Consideration Of Ordinance 2015-61 To Be Entitled: "An Ordinance To Amend The Zoning Ordinance Of The City Of Franklin, Tennessee To Remove The Fee In-Lieu Of Option For Open Space Set Aside Requirements By Amending Chapter 5, Subsections 5.5.3 (1), Table 5-7 Entitled "Required Open Space Set-Aside" And Subsection 5.5.3 (3)."; Establishing a Public Hearing for February 9, 2016. (12/17/15 FMPC 7-0) FIRST OF THREE READINGS**

Attachments: [Ordinance 2015-61 Remove Fee-in-lieu Open Space Law Approved](#)

Mr. Svoboda stated that Ordinance 2015-61 was to amend the Zoning Ordinance to remove the private open-space set-aside standards and to revise those standards in the Zoning Ordinance to remove the fee in-lieu-of option. Currently an applicant can come to the Planning Commission and request to pay a fee in-lieu-of common open-space set-aside if that size of the open space is less than an acre or if it is in a traditional area. This has been in the Zoning Ordinance since 2008, but it has not been used. The staff has reviewed it and recommended that this option be deleted. This is a private open-space set-aside requirement. The fee-in-lieu-of language that is in the Zoning Ordinance talks about it as being used for only public uses. The rationale does not make sense, since it has not been used and has not been an issue. The proposed alternative is it to remove the fee in-lieu-of requirement and to revise footnote 2 in the table. It would state, "Formal open-space set-aside is not required when a calculated amount of the open space is less than the minimum size for required open space." Essentially, it is 5,000 square feet for residential areas and 2,500 square feet for nonresidential areas. Also, the definition for private open space was incorrect. Ordinance 2015-61 would correct this.

Approval of Ordinance 2015-61 was recommended.

Chair Hathaway asked for citizen comments. There were none.

Commissioner Harrison moved, seconded by Commissioner Orr, that Ordinance 2015-61 be recommended to the Board of Mayor and Alderman for approval. The motion carried by the following vote:

Aye: 7 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore,
Commissioner Allen, Commissioner Orr, Commissioner Lindsey, and Commissioner
Hathaway

Absent: 2 - Commissioner Franks, and Commissioner Gregory

Chairing: 0

NON-AGENDA ITEMS

ANY OTHER BUSINESS

ADJOURN

There being no further business, the meeting adjourned at 8:40 p.m.