

August 19, 2019

Ms. Cody Blair  
Mr. Glenn Stophel  
Villages of Morningside Homeowners Associations  
Via Email

RE: 200 Mallory Station Road

Dear Ms. Blair and Mr. Stophel,

Thank you for the continued opportunity to discuss our project with you. As a follow up to our meeting with the two boards on May 22<sup>nd</sup>, and the general neighborhood meeting on June 6<sup>th</sup>, we are summarizing the questions that were presented, and our responses as follows:

1. *What is the name of the project?*

The project has been named "Oakbrook".

2. *Discuss the access points.*

Our community proposes access from (1) Sunrise Circle (a public street) via a 30' wide access easement recorded in the Morningside P.U.D. Subdivision Final Plat, and (2) the Avenida drive which lies in a 22' cross-access easement previously recorded. As to the question whether the Sunrise Circle 30' access easement is enforceable, see attached letter listed as Exhibit A.

3. *Will Oakbrook provide additional landscaping along Sunrise Circle?*

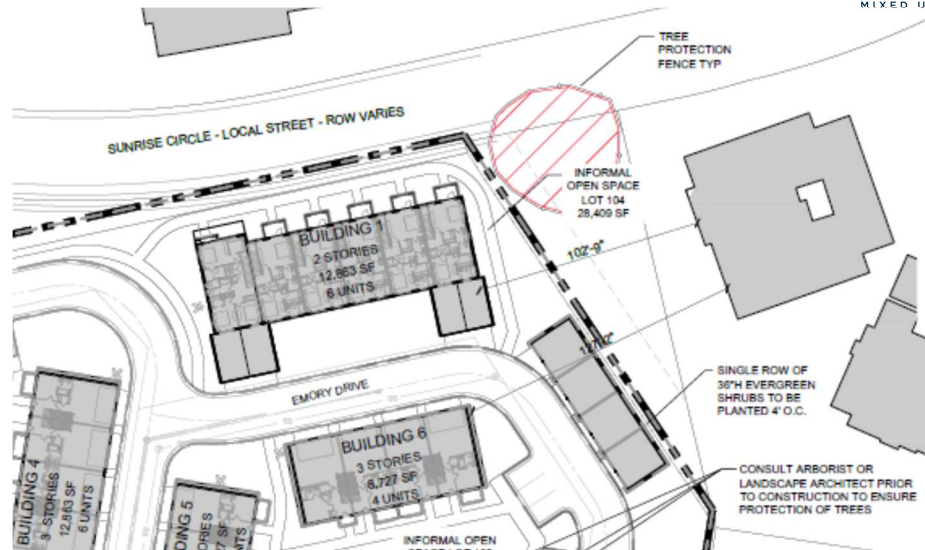
Yes, as part of our project we will install additional landscaping in the common area along the east side of Sunrise Circle. Additionally, we will agree to maintain said landscape area at our expense.

4. *Do you propose linear green space along Mallory Station Road?*

Yes, our community features a 50' (min.) wide linear park along our frontage on Mallory Station Road.

5. *Explain your proposed buffers to the Morningside community.*

Along Sunrise Circle (to our north), we have designed our building to be only 2 stories, to better match the buildings near us. Additionally, we propose a set of detached garages to screen the Morningside homes closest to us from our drive aisles. We propose a minimum of 100' separation between our building and our closest neighbor.



6. *Discuss the number of kids anticipated in your project.*

Based on similar projects we have constructed, and studies of census data (see Exhibit B), we expect to see approximately 40 children, with school-age children being approximately half that number.

7. *Where will school buses pick up students?*

Pursuant our conversations with the Franklin Special School District transportation coordinators, students in our community will be picked up at our clubhouse, where we will offer shelter from the elements.

8. *How many people will live in your community?*

While we have no definitive way of forecasting how many residents will live in our community, our on-site management staff will perform background checks and income verification on every adult (18 years or older) who lives in our community.

9. *What is your typical lease term?*

Our community will offer 12 month leases. VRBO or other forms of short-term subrentals will not be permitted.

10. *Will any of the existing trees be preserved?*

Our site plan is mindful of the existence of specimen trees on the property, and every effort will be made to preserve a number of the larger trees on site.

11. *Will your project create the demand for a new traffic light at Sunrise Circle and Mallory Station Road?*

No, according to our traffic studies, our 89-home project does not generate enough additional traffic to meet the required warrants for a traffic signal.

12. *Have you previously built other communities in Franklin and will you maintain ownership of the community?*

Oakbrook will be our first community in Franklin. While we can't predict the future, it is our expectation that we will own the community for many years to come.

13. *Will you prevent traffic generated by the Avenida project to travel west and exit onto Sunrise Circle?*

No, we cannot restrict residents of Avenida from using our drives, however Avenida has direct access onto Mallory Station Road AND access to Gen. George Patton Dr. (with its traffic light), so it makes little sense for anyone to "cut" through Oakbrook.

14. *Will the existing vinyl split rail fence be preserved?*

The fence belongs to the Morningside neighborhood, and it is not our intent to remove it—with the exception of where our drive connects onto Sunrise Circle.

15. *How long will it take to build out the community?*

We anticipate completing the last of the 89 homes 15 and 18 months after ground-breaking.

16. *Will you prepare a traffic study?*

Yes, a study has been prepared and submitted to the city for review.

17. *We would like you to consider modifications to the pavement markings on Mallory Station Road, to allow for an easier left turn out of Sunrise Circle.*

We have discussed your idea with the city's engineering department. Please see their response as Exhibit C.

18. *How many lanes will Mallory station be in the future?*

We are not aware of the timing of any improvements beyond the intersection improvements at Franklin Road.

19. *Why was the Mallory Station Road speed limit increased?*

We do not have any information on that subject.

20. *Will the architecture be similar to Avenida's?*

No, as our homes are townhomes, we will design them such that each home is distinctly different than the adjacent home.

21. *We request that you schedule your construction activities such that the building facing Sunrise Circle (north end) is completed early on.*

We will certainly incorporate that request into our schedule.

*22. How is drainage to be handled?*

We will discharge our rainfall runoff into the storm sewer system along our south border, and crosses under Mallory Station Road. Prior to our discharge, we will treat the initial runoff “flush”.

*23. Will you install a Stop sign for traffic exiting your community onto Sunrise Circle?*

Yes.

*24. Will your community offer garages?*

Yes, every one of our 89 homes will have a two-car garage.

*25. How will you provide security to your residents?*

We will make available one of our homes to a police officer (at a discounted rate).

*26. When do you expect to break ground?*

It is our hope that we will have all permits in hand by March or April 2020.

*27. Please discuss the proposed interior finishes.*

Our homes will feature granite or quartz counter tops, custom cabinets, woo-like plank flooring and stainless steel appliances.

*28. What is the value of each home in your community?*

Each home will cost approximately \$500,000 to construct (including land).

*29. What amount of Open space is being provided?*

Our community will have 35% of open space.

*30. Will you consider offering your homes as condominiums?*

Our model is to offer maintenance-free homes, where we maintain both the outside and inside of every home. It is possible that in the future our homes are offered for sale.

*31. Will there be a reduction in the water pressure as a result of your project?*

No. The City of Franklin utilities will ensure that sufficient volume and pressure is provided.

We stand by to address any additional questions and look forward to contributing to the value of the area.

Sincerely,

Jose Kreutz



EXHIBIT A

**MEMORANDUM**

To: Thompson Thrift Development, Inc.  
From: Taft Stettinius & Hollister LLP  
Date: August 19, 2019  
Re: 200 Mallory Station Rd., Franklin, TN | Access Issues

At your request, we have summarized the 30-foot Public Access Easement issue related to the property located at 200 Mallory Station Rd., Franklin, TN ("Real Estate"), pursuant by that certain Purchase Agreement dated April 22, 2019 ("Agreement") by and between Ms. Bettie Carol White and Martha Jean Hood ("Seller") and Thompson Thrift Development, Inc. ("Thompson Thrift"). Please note we have not fully completed our title and survey review of the Real Estate and are continuing to discuss this matter with the local title company. Accordingly, we reserve the right to comment further.

**POTENTIAL ISSUES**

1) 30 Foot Public Access Easement –

Based upon our review of a certain Final Plat of Morningside P.U.D. Subdivision, dated February 13, 1996, and recorded in the Williamson County Recorder's Office as Book 23, Page 50 (the "Plat"), and upon our discussions with Rob Ashworth of the Ashworth Law Firm, PLLC ("Title Company"), in his capacity as issuing agent for Old Republic National Title Insurance Company ("Old Republic"), we are of the opinion that a 30 foot wide public access easement ("Access Easement") located on the western boundary of the Real Estate validly exists and would provide beneficial legal access to the Real Estate, as depicted below.

The Access Easement was expressly reserved by the Plat, case law, in Tennessee, is clear that an easement reserved by a recorded plat is not an easement by necessity (which could terminate following the end of the necessity), but rather an express easement which can only be extinguished “by an act of the dominant owner, either by release or abandonment, by act of the servient owner by prescription or conveyance to a bona fide purchaser without notice, by the conduct of both parties, such as by merger or estoppel, or by eminent domain, mortgage, foreclosure, or tax sale.” *Smith v. Evans*, No. M200702855COAR3CV, 2008 WL 3983117, at \*4 (Tenn. Ct. App. Aug. 27, 2008) quoting 25 Am. Jur. 2d Easements and Licenses § 95. Accordingly, some clear, express act is needed to release the Access Easement and the Title Company found no such document in its search.

We understand Thompson Thrift has had discussions with certain neighboring property owners regarding this Access Easement who assert they want the easement to be limited; however, they have shown no authority to date that would create such an obligation on behalf of Thompson Thrift. The Title Company advises it believes the Access Easement validly exists and does provide legal access to the Real Estate.





**EXHIBIT B**

In 2014, the National Multifamily Housing Council published the results of a comprehensive national study—based on census data-- that looked at the number of children living in apartments vs. condominiums and single-family homes. (Source: [http://www.nmhc.org/News/Research-Notes--Apartments-Versus-Schools-Redux-\(March-2014\)/](http://www.nmhc.org/News/Research-Notes--Apartments-Versus-Schools-Redux-(March-2014)/)) . Below are key charts from the article:

- Figure 1 looks at the number of children (all ages) based on the type of housing:

FIGURE 1

Children, Tenure and Housing Structure

|                                | Total | Single-family renter | Single-family owner | Multifamily renter | Multifamily owner |
|--------------------------------|-------|----------------------|---------------------|--------------------|-------------------|
| Households (millions)          | 116.0 | 14.5                 | 65.4                | 17.7               | 2.4               |
| HHs with at least one child    | 37.5  | 6.9                  | 20.9                | 4.3                | 0.3               |
| Share of HHs with children (%) | 32    | 48                   | 32                  | 24                 | 12                |
| Children per 100 HHs           | 60    | 96                   | 59                  | 41                 | 17                |

SOURCE: NMHC TABULATIONS OF CENSUS BUREAU'S AMERICAN COMMUNITY SURVEY, 2012  
Note: Multifamily refers to buildings with five or more units; as such, "total" includes two- to four-unit multifamily homes, which are not shown separately.

- Figure 3 looks at the number of school-aged children:

FIGURE 3

School-Age Children Per 100 Households

|                   | Total | Single-family renter | Single-family owner | Multifamily renter | Multifamily owner |
|-------------------|-------|----------------------|---------------------|--------------------|-------------------|
| All               | 42    | 65                   | 43                  | 24                 | 9                 |
| Built before 1990 | 38    | 62                   | 36                  | 25                 | *                 |
| Built 1990-2004   | 51    | 75                   | 56                  | 23                 | *                 |
| Built 2005-2012   | 51    | 77                   | 58                  | 22                 | *                 |

SOURCE: NMHC TABULATIONS OF CENSUS BUREAU'S AMERICAN COMMUNITY SURVEY, 2012  
\*Sample size too small to produce reliable data for multifamily owner homes built after 1989.  
Note: Multifamily refers to buildings with five or more units; as such, "total" includes two- to four-unit multifamily homes, which are not shown separately.

Based on the above data, and specific to our design which features “homes attached in groups of four to six units”, we estimate the following:

Number of Children = 89 units x 41 children/ 100 households = 37 children

Number of School-Age Children = 89 units x 22 children/ 100 households = 20 school-age children



**EXHIBIT C**

**From:** McMaster, Ryan <[ryan.mcmaster@kimley-horn.com](mailto:ryan.mcmaster@kimley-horn.com)>  
**Sent:** Wednesday, July 31, 2019 3:45 PM  
**To:** Jose Kreutz <[jkreutz@thompsonthrift.com](mailto:jkreutz@thompsonthrift.com)>  
**Subject:** FW: 200 Mallory Station

Jose,

Please see below from Adam Moser, the traffic engineer at COF. This response will allow you to respond to the HOA appropriately for their request to remove the “hatching” in Mallory Station Rd. Let me know if you have questions.

Thanks,  
Ryan

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**From:** Adam Moser <[adam.moser@franklintn.gov](mailto:adam.moser@franklintn.gov)>  
**Sent:** Wednesday, July 31, 2019 1:45 PM  
**To:** McMaster, Ryan <[ryan.mcmaster@kimley-horn.com](mailto:ryan.mcmaster@kimley-horn.com)>  
**Cc:** David Prather <[dprather@franklintn.gov](mailto:dprather@franklintn.gov)>  
**Subject:** RE: 200 Mallory Station

Ryan

Unfortunately, no, this hatching will not be removed. The hatching is there to emphasize that a left turn is not possible going westbound (i.e. no driveway exists) and to protect the left turns going eastbound into Sunrise Circle so that a westbound vehicle does not try to enter the center turn lane to impede eastbound left turns at this location (and by all means it never should for the length of this roadway in this section).

Sunrise Circle drivers turning left onto Mallory Station eastbound can use this area to merge into Mallory Station, by TN code 55-8-140(5), part B “A vehicle shall not be driven in the left turn lane except when preparing for or making a left turn from **or into** the roadway”. I highlighted ‘or into’ as that lane can be used to complete your merge onto the roadway (in this case Mallory Station). The hatching should not prevent them from using the center lane to make a left turn INTO THE ROADWAY and safely merging onto Mallory Station, per the code, at a reasonable distance.

This type of hatching is common for these busy ‘T’ intersections with a shared two-way left turn lane to emphasize this protection of the opposing turn and that there is not a reason to be traveling westbound in that center lane (to protect eastbound turns). It is not used everywhere, but by engineering discretion – usually at busier T intersections to help protect that turning movement.

Please ensure the residents that making a left onto the roadway utilizing that lane is allowable, hatching or not.

**Adam Moser, P.E.**  
Traffic Engineer  
City of Franklin

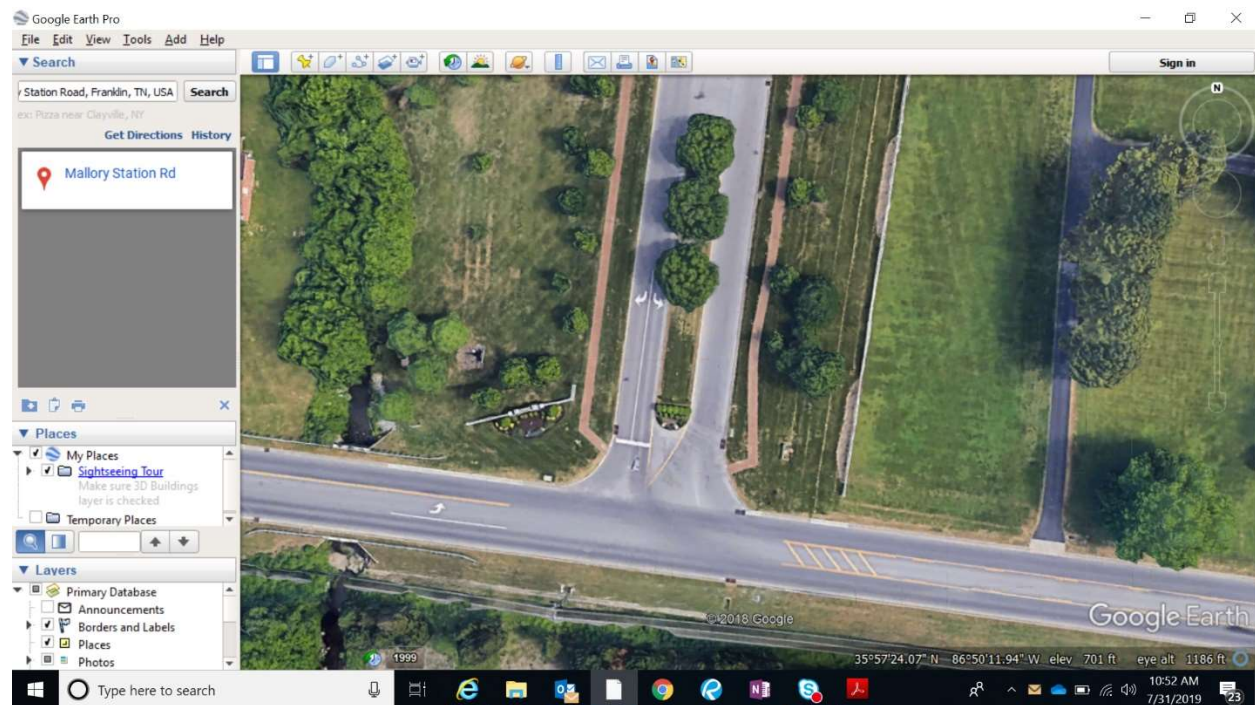
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**From:** McMaster, Ryan <[ryan.mcmaster@kimley-horn.com](mailto:ryan.mcmaster@kimley-horn.com)>  
**Sent:** Wednesday, July 31, 2019 12:00 PM  
**To:** Adam Moser <[adam.moser@franklintn.gov](mailto:adam.moser@franklintn.gov)>  
**Subject:** 200 Mallory Station

Hey Adam,

We currently have a Development Plan tracking through this month's agenda for 89 townhomes at the NE quadrant of Sunrise Lane and Mallory Station. As this project continues to progress, we have been meeting with the existing HOA of the Sunrise Condominiums just north of this site. The HOA has formally requested that we work with the city to remove the "hatching" that is painted on the middle lane of Mallory Station just east of Sunrise (see below). They want to be able to turn left and stop in the middle lane for refuge, while waiting for an opportunity to merge. Is this possible, and would COF staff support this request? We have a follow up meeting with the HOA on 8/21 and would like to present the City's opinion on this request at that meeting. Thank you, in advance, for your help.

Ryan



**Ryan McMaster, P.E.**  
**Kimley-Horn** | 214 Oceanside Drive, Nashville, TN 37204  
Direct: 615 564 2876 | Mobile: 615 330 1749 | Main: 615 564 2701