



City of Franklin

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Meeting Minutes - Final Franklin Municipal Planning Commission

Thursday, May 28, 2015

7:00 PM

Board Room

CALL TO ORDER

Present 9 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, Commissioner Lindsey, and Commissioner Hathaway

MINUTES

1. [15-0521](#) April 23, 2015, FMPC Meeting Minutes

Attachments: [April 23, 2015, FMPC Meeting Minutes](#)

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

Aye: 8 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

CITIZEN COMMENTS ON ITEMS NOT ON THE AGENDA

ANNOUNCEMENTS

Mr. Anthony stated that the Planning and Sustainability Department had undergone a transition in leadership over the last few weeks, and staff was pleased to welcome Bob Martin as the City's Interim Planning Director. Bob's wealth of knowledge and experience will definitely be a tremendous asset for the Planning Department and for the City, particularly as the City shifts into more long range planning work.

Mr. Anthony also wanted to remind everyone that the City would host a public presentation on form-base zoning in City Hall on Tuesday, June 16, at 7:00 p.m. Everyone is welcome to that event. He also reminded the Planning Commission that he had emailed them about an additional workshop for elected officials and asked that they respond at their earliest convenience.

VOTE TO PLACE NON-AGENDA ITEMS ON THE AGENDA

CONSENT AGENDA

Approval of the Consent Agenda

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

Aye: 8 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

SITE PLAN SURETIES

2. [15-0509](#) Battle Ground Academy Subdivision, site plan (Fieldhouse and Mary Campbell Visual Arts Center); accept the drainage improvements, release the performance agreement and establish a maintenance agreement for one year. (CONSENT AGENDA)

 This Planning Item was approved.
3. [15-0510](#) Hurstbourne Park PUD Subdivision, site plan, sections 1 – 3; release the maintenance agreement for landscaping (section 1) improvements. (CONSENT AGENDA)

 This Planning Item was approved.
4. [15-0511](#) McEwen Place PUD Subdivision, site plan, lots 101 and 104 (Dwell 2); release the maintenance agreement for landscaping improvements. (CONSENT AGENDA)

 This Planning Item was approved.
5. [15-0512](#) McKays Mill PUD Subdivision, site plan, section 32 (Hadden Hall Area); accept the landscaping improvements, release the performance agreement and establish a maintenance agreement for one year. (CONSENT AGENDA)

 This Planning Item was approved.
6. [15-0513](#) McKays Mill PUD Subdivision, site plan, section 34 (Park Run Area); release the maintenance agreement for landscaping improvements. (CONSENT AGENDA)

 This Planning Item was approved.

8. [15-0515](#) Stream Valley PUD Subdivision, site plan, section 3; release the maintenance agreement for landscaping Phase 1 and landscaping Phase 2 improvements.

Ms. Kortas stated that there were two phases of item 8 that were in maintenance that were on the agenda for this Planning Commission meeting. One of them, phase two, was recommended to be released from maintenance. Phase one has a minor punch list with it, and staff is extending it until the applicant is able to complete it. It will actually be extended for one year, and if the applicant is able to complete it prior to that one year, they will be able to get back on an earlier agenda.

Chair Hathaway asked for comments from the citizens.

Ms. Candace Crumrine, a resident in Stream Valley, stated that a group of residents from Stream Valley was going to come but they had gotten caught up in a traffic accident, which had occurred. Since the Phase one maintenance had been extended for one year, their concerns were not as much of an issue. Their concerns were if the maintenance agreement was going to be released for phase one and phase two that there were some serious, not minor, areas that needed to be redone. She had put together a public site with all of the pictures and notes for what phase one and phase two looked like with the improvements in order to reflect the nice common areas that were in phase two. For some reason the phase one common areas do not look nearly as nice as phase two. She showed and described both phase one and phase two's common areas.

Mr. Mizell, the City's Land Planner, stated that the pictures that Ms. Crumrine had shown were actually in phase two, which would be denied at this meeting. because the standards were not met.

Ms. Kortas stated that most of the photos with the problems were in the phase one area of section three, and that was the one that staff was recommending an extension on for the area of concern.

Chair Hathaway asked if there was an applicant.

No one came forward.

Mr. Harrison moved to recommend to extend it for one year.

Ms. Billingsley asked Mr. Harrison if he was recommending to extend it for both phase one and phase two.

Ms. Kortas asked Mr. Harrison if he wanted to accept the staff recommendation.

Ms. Billingsley stated that she wanted to be clear and stated that the staff recommendation was to release the maintenance agreement for landscaping in phase one.

Ms. Kortas stated that she was correct, and it was also to extend the landscaping in phase two.

Ms. Billingsley stated that it did not say extend, it said to release the landscaping agreement in phase one and the landscaping agreement in phase two.

Mr. Harrison stated that it said to extend to January 22, 2015.

Ms. Kortas stated that this was the request, and one would have to go to the staff report for the recommendations to actually see what was being recommended.

Mr. Harrison moved to recommend approval for one year as recommended by staff, and Vice Chair Lindsey seconded the motion.

Ms. Allen stated that she wanted to double-check this because she had heard different terminology regarding section one of phase one. She asked if staff was sure of the terminology.

Ms. Kortas stated that Mr. Mizell was familiar with section three as he had been out extensively to inspect it. This discussion was regarding section three, which has been split up into two phases, phase one and phase two.

Ms. Allen stated that she just wanted to make sure that the Planning Commission was approving the correct maintenance agreement.

Ms. Kortas stated that they were, and if the Planning Commission accepted staff recommendations, they could vote on both of those at the same time. By accepting staff recommendations, the Planning Commission would be releasing phase two from maintenance and extend phase one for one year. If the applicant finishes this before one year, they are allowed to come back and request an earlier agenda.

Alderman Petersen stated that something had been mentioned in the reasons about dead trees, etc., but it sounded like there were other problems with the turf.

Ms. Kortas stated that Mr. Mizell and Mr. Cunningham could go inspect this and take another look at that.

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

Aye: 8 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

9. [15-0516](#) Westhaven PUD Subdivision, site plan, section 18; extend the performance agreement for landscaping improvements. (CONSENT AGENDA)

This Planning Item was approved.

10. [15-0517](#) Westhaven PUD Subdivision, site plan, section 20, revision 4, lots 848, 1158 and 1159 (Golf Clubhouse); accept the landscaping improvements, release the performance agreement and establish a maintenance agreement for one year. (CONSENT AGENDA)

This Planning Item was approved.

11. [15-0518](#) Westhaven PUD Subdivision, site plan, section 21, revision 1; accept the landscaping improvements, release the performance agreement and establish a maintenance agreement for one year. (CONSENT AGENDA)

This Planning Item was approved.

12. [15-0519](#) Westhaven PUD Subdivision, site plan, section 32, lots 4033 and 5051; accept the landscaping improvements, release the performance agreement and establish a maintenance agreement for one year. (CONSENT AGENDA)

This Planning Item was approved.

REZONINGS AND DEVELOPMENT PLANS

13. [15-0494](#) PUBLIC HEARING: Consideration Of Ordinance 2015-09, To Be Entitled, "An Ordinance To Zone +/- 30.11 Acres Into The Height Overlay District (HTO) For The Property Located At The Southeast Corner Of Interstate 65 And McEwen Drive." (05/28/15 FMPC 8-0; 06/09/15 1ST Reading BOMA 7-0)

Attachments: [Ord 2015-09 Franklin Summit HTO rezoning - Copy](#)
[5834 Franklin Summit Rezoning MAP](#)
[HTO map](#)
[Franklin Summit HTO Rezoning PLANS](#)

Ms. Diaz-Barriga stated that this site is made up of three parcels, and is bordered by I-65 and Huffine's Ridge Drive to the west and McEwen Drive to the north. The property is currently zoned General Commercial (GC). Currently the Height Overlay District (HTO) is assigned to several properties within the immediate vicinity of this site. She had provided a map for the Planning Commissioners to see. Also, the purpose of the HTO is to allow for buildings with building heights that exceed 75 feet in specific areas, such as along the Interstate-65 corridor, where such heights create a unique development form but allow for special review to ensure proper fire protection for tall buildings where there may be a high concentration of residents or employees. Therefore, staff feels that the location of the site, as well as its proximity to the existing HTO boundary, justifies extending the HTO boundary to this property, and recommends a favorable recommendation to the BOMA.

Chair Hathaway asked for comments from the citizens.

No one came forward.

Chair Hathaway asked if there was an applicant.

Mr. Brad Slayden, of Ragan Smith Associates, stated that they agreed with staff recommendations, and he requested a favorable recommendation of Ordinance 2015-09 to the BOMA.

Mr. Harrison moved to favorably recommend Ordinance 2015-09 to the BOMA and Ms. McLemore seconded the motion.

Mr. Orr stated that this was the highest building that could be built on this parcel. He asked how this compared with the height of the Drury building, which was across the interstate.

Ms. Diaz-Barriga stated that the height overlay would allow up to 12 stories, but also transitional features could apply to it.

Mr. Orr stated that then this parcel was discussed in the past, there were some elevations that were set, which limited what was going to be done at this location. It now sounds as those limits are being relieved.

Ms. Diaz-Barriga stated that presently the most that could be build on that site was six. The character area for that McEwen Character Area 4 would allow up to six with a Planned Unit Development (PUD). This would now allow up to twelve.

Vice Chair Lindsey stated that part of the presentation for the original consideration of this site included a comparison of the pad elevation of this building relative to the Drury building.

Mr. Glen McGee, of SouthStar, stated that when the presentation was made, they were dealing with the potential for the Hilltop Hillside Overlay (HHO) being part of that piece. The presentation showed buildings under the current zoning compared to what the Drury Inn would be. He did not recall the exact elevations, but they did have it in a presentation form. They would actually bring the hill down about 50 feet. The real reason they were going after the height overlay was because of the inquiries they were getting for the location. It does not necessarily mean that they want to build a 12 story building. This was where they would go from 75 feet up to the other. They have no plans other than the inquiries they are getting and the things they are working on with potential tenants.

Mr. Orr was not as concerned with the number of stories as he was the total height of what would be built there. He would be in favor of adding a condition to limit the height of the structure to not exceed the height of the Drury Inn. He could not approve free rein to go higher on that point.

Mr. Anthony stated that a condition could not be placed on a rezoning, and Mr. Orr would have to wait until an actual plan come forward.

Chair Hathaway asked if the Planning Commission would have the ability to do that if they were basically saying that the applicant could build 12 stories and go back and restrict it to 9 or 10 stories.

Mr. Anthony stated that he thought the Planning Commission's best way forward would be able to work through transitional features and that was to ensure compatibility with the surrounding structures.

Alderman Petersen stated that the Planning Commission needed to keep in mind that this was a recommendation to the BOMA.

A motion was made by Commissioner Harrison, seconded by Commissioner McLemore, that this Ordinance be recommended favorably to the Board of Alderman and to the Work Session, meeting on 6/9/2015. The motion carried by the following vote:

Aye: 8 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

14. [15-0497](#) PUBLIC HEARING: Consideration Of Ordinance 2015-11, To Be Entitled, "An Ordinance To Rezone +/- 22.55 Acres From Specific Development-Variety (SD-X) District To Attached Residential 20 (RM20) District For The Property Located At 1222 Liberty Pike." (05/28/15 FMPC 8-0; 06/09/15 1ST Reading BOMA 7-0)

Attachments: [Ord 2015-11 Standard at Cool Springs rezoning](#)
[5839 The Standard Rezoning MAP](#)
[Rezoning Request Set PLANS Set](#)

Ms. Diaz-Barriga stated that this proposal lies within the McEwen Character Area 4, complies with the recommendation for a mixture of attached and detached residential uses and neighborhood or local retail uses. The McEwen Character Area Overlay District 4 (MECO-4) also states that attached residential is appropriate as a transition to residential uses to the east. Staff agrees that placing a higher density of residential (20 du/acre) closer to major traffic corridors is preferred to placing such density within or beyond the lower density, single-family neighborhoods of the area. It is staff's opinion that the proposed attached residential provides a compatible use for the property immediately to the east, Columbia State Community College, as well as for the office, commercial, and retail uses along the Carothers Parkway corridor. Therefore, staff recommends a favorable recommendation to the BOMA.

Chair Hathaway asked for comments from the citizens.

No one came forward.

Chair Hathaway asked if there was an applicant.

Mr. Greg Gamble, of Gamble Design Collaborative, stated that they agreed with staff recommendations, and he requested a favorable recommendation of Ordinance 2015-11 to the BOMA.

A motion was made by Commissioner Harrison, seconded by Commissioner Orr, that this Ordinance be recommended favorably to the Board of Alderman and to the Work Session, meeting on 6/9/2015. The motion carried by the following vote:

Aye: 8 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

15. [15-0495](#) PUBLIC HEARING: Consideration Of Ordinance 2015-10, To Be Entitled "An Ordinance To Rezone +/- 0.85 Acres From Detached Residential 3 (R3) District To Specific Development-Residential (SD-R 4.71) District For The Property Located At 1365 And 1367 Columbia Avenue." (05/28/15 FMPC 8-0; 06/09/15 1ST Reading BOMA 7-0)

Attachments: [Ord 2015-10 Gist Street PUD Subd rezoning](#)
[5835 Gist Street Rezoning MAP](#)
[Gist Rezoning Request PLANS](#)

Mr. Diaz-Barriga stated that the two properties included in this rezoning request are currently residential lots, each of which contain one detached single-family house. The properties are zoned Detached Residential 3 District (R3), and are surrounded by R3 zoning. They are within the Central Franklin Character Area, Special Area 7, which supports detached residential as a continued appropriate use. The Central Franklin Character Area Overlay District 7 (CFCO-7) also identifies this area as positioned to receive additional redevelopment and infill in the future, and even supports Accessory Dwellings as one way to accommodate infill. It is staff's opinion that this rezoning is also an appropriate avenue to accommodate infill. The property at 1367 Columbia Avenue is a large L-shaped lot with a sizable vacant area at the rear lot of the property. This area could accommodate additional lots that would be contextually appropriate in terms of lot width and street setbacks, while maintaining appropriately sized lots for the existing houses. Further, the Columbia Avenue Overlay encompasses these properties and will restrict any new development to be built within contextual building heights, widths, setbacks, and architecture. Staff recommends a favorable recommendation to the BOMA.

Chair Hathaway asked for comments from the citizens.

No one came forward.

Chair Hathaway asked if there was an applicant.

Mr. Greg Gamble, of Gamble Design Collaborative, stated that they agreed with staff recommendations, and he requested a favorable recommendation of Ordinance 2015-10 to the BOMA.

A motion was made by Commissioner Harrison, seconded by Commissioner Orr, that this Ordinance be recommended favorably to the Board of Alderman and to the Work Session, meeting on 6/9/2015. The motion carried by the following vote:

Aye: 8 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

16. [15-0496](#) PUBLIC HEARING: Consideration of Resolution 2015-30, To Be Entitled, "A Resolution Approving A Development Plan For The Gist Street PUD Subdivision, Located At 1365 And 1367 Columbia Avenue, By The City Of Franklin, Tennessee."; (05/28/15 FMPC 8-0; 06/09/15 WS)

Attachments: [Res 2015-30 Gist Street PUD Subd DP Resolution](#)

[5836 Gist Street DP MAP](#)

[Conditions of Approval 5836](#)

[Gist Street PUD Dev Plan SITE LAYOUT](#)

[Gist Street PUD Dev Plan FULL SET PLANS](#)

Ms. Diaz-Barriga stated that this development plan proposes two single family detached infill lots along Gist Street, in addition to the two existing single family detached lots along Columbia Avenue, creating a PUD with a density at 4.71 dwelling units per acre. The proposal is compliant with both the land use plan and the Columbia Avenue Overlay in terms of land use and site design. While the proposed architecture is included in this application, it is provided for conceptual purposes only, and is not being approved with this development plan. The lots proposed do meet the transitional features' requirement for being within 40% of the average lot width for the block. The street setbacks proposed also meet the transitional features' regulations by being within 25% of the average on the block and being no closer than any existing setback on the block. A future right-of-way dedication is identified along Columbia Avenue and in correspondence to a future Columbia Avenue expansion. Sidewalks are being provided in a combination of construction and fees-in-lieu payment. Staff recommends approval with conditions.

Chair Hathaway asked for comments from the citizens.

No one came forward.

Chair Hathaway asked if there was an applicant.

Mr. Greg Gamble, of Gamble Design Collaborative, stated that they agreed with staff recommendations, and he requested a favorable recommendation or Ordinance 2015-30 to the BOMA.

Mr. Harrison moved to favorably recommend Ordinance 2015-30 to the BOMA, and Vice Chair Lindsey seconded the motion.

Ms. Allen asked about the request for the construction of the sidewalks.

Mr. Gamble stated that there was a Major Thoroughfare Plan that proposes a future for Columbia Avenue. If the sidewalks were located today on Columbia Avenue, there is a likelihood that they would be torn up, removed, and replaced with the future plans for Columbia Avenue. The applicant is dedicating some portion of the right-of-way for Columbia Avenue and putting that in reservation along Columbia Avenue for that future expansion. This was the consideration given to that. It was more appropriate for fee-in-lieu-of there. Secondly, there is an existing residence on the lot. Its porch is one foot from the right-of-way line. If a 5 foot sidewalk was put at that location, the resident of that house would lose that sense of privacy along that edge. Therefore, it was agreed that fee-in-lieu-of was appropriate for that section. Sidewalks will be installed where the two new lots are proposed.

Ms. Allen thanked Mr. Gamble and stated that she just wanted this language to be on the record.

Alderman Petersen stated that there were several conditions on this item, and she asked Mr. Gamble if he had anything that he wanted to say.

Mr. Gamble stated that the applicant would be working with Planning and Engineering as they go to the site plan stage.

A motion was made by Commissioner Harrison, seconded by Commissioner Lindsey, that this Resolution be recommended favorably to the Board of Alderman and to the Work Session, meeting on 6/9/2015. The motion carried by the following vote:

Aye: 8 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

SITE PLANS, PRELIMINARY PLATS, AND FINAL PLATS

17. [15-0476](#) City of Franklin Water Treatment Facility, site plan, a 9,170 square foot civic structure on 47.02 acres, located at 838 Lewisburg Avenue.

Attachments: [5842 City of Franklin Water Treatment Facility, SP, Map](#)
 [5842 City of Franklin Water Treatment Facility, SP, Plans Set](#)
 [5842 City of Franklin Water Treatment Facility, SP, Design](#)
 [Modification Request](#)
 [5842 City of Franklin Water Treatment Facility, SP, Conditions of](#)
 [Approval](#)

Mr. Anthony presented the report for item 17 and stated that staff recommended approval for this project. He noted that the applicant was requesting a design modification to allow metal panels on the rear, particularly on the rear of the building and a little bit on the sides. The City's Departmental Review Team reviewed the request and determined that the building, as shown in the elevations, should not lose any aesthetic or safety issues considering they have a large outer view. Therefore, staff recommends approval as well of the design modification request.

Chair Hathaway asked for comments from the citizens.

No one came forward.

Chair Hathaway asked if there was an applicant.

Mr. Andrew Johnson, of SSR, stated that they agreed with staff recommendations, and he requested approval of item 17.

Mr. Harrison moved to approve the design modification to allow metal panels on the rear, particularly on the rear of the building and a little bit on the sides, Mr. Orr seconded the motion, and it passed unanimously.

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

Aye: 8 - Commissioner Harrison, Commissioner Petersen, Commissioner McLemore, Commissioner Franks, Commissioner Gregory, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey

18. [14-636](#) Echelon PUD Subdivision, final plat, section 1, creating 56 detached residential lots and 5 open space lots on 17.12 acres, located between South Carothers Road and Carothers Parkway, north of the Harpeth River. (CONSENT AGENDA)

Attachments: [5824 Map](#)
[5824 Final Plat](#)
[5824 Conditions of Approval](#)

This Planning Item was approved.

19. [15-0452](#) Fair Park Cottages Subdivision, preliminary plat, creating 9 single-family residential lots and 2 open space lots on 3.10 acres, located at 1006 Fair Street.

Attachments: [5751 Fair Park Cottages PP Map](#)
[5751 Fair Park Cottages PP PLAN](#)
[5751 Fair Park Cottages PP, Conditions of Approval](#)

Ms. Billingsley stated that she wanted to let the Planning Commissioners know why they were considering item 19 again. They considered the item at the May 28, Planning Commission meeting, they made a motion to approve, and that motion was defeated. However, the Planning Commission did not affirmatively either approve or disapprove this item, and that was why it was back before the Planning Commission at this meeting.

Ms. Diaz-Barriga stated that staff was happy to answer any questions.

Chair Hathaway asked for comments from the citizens.

Mr. Jason Painter, of 328 11th Avenue, North, stated that he was sick to his stomach about the street that was going in at this location. Eight homes were proposed to be going in at this location with an average of two cars per household. This would bring extra traffic on the new street plus additional FedEx and construction traffic. He discussed the additional amount of traffic that would be in this area and asked if the Planning Commissioners would want a street, such as this, going beside their houses. He did not think the homes would fit in with the community and stated that he was not happy with this proposed project.

Mr. John Ordnung, of 311 11th Avenue North, stated that Mr. Painter had referenced the new home when he had just spoken. He had noticed that there was no place to park cars at this new proposed project. Therefore, when someone comes to view the new home, the parked vehicle straddles the street and the sidewalk at 11th Avenue, North and creates a safety hazard. That is one of those unintended consequences of building the type of structure that was permitted to be put there already.

When the applicant was afforded an opportunity to have a second bite of the apple, Mr. Ordnung took a few moments and listened to the YouTube discussion. During that discussion, one of the members made a statement about infill. This project seems that it is just infill for the sake of infill, and that is exactly what it is. He discussed infill and stated that it is sometimes used to create an opportunity where there is affordable housing. If that was the case at this meeting and it was affordable housing for a teacher, police officer, or fire fighter who worked in this community and wanted to live in Franklin, he would not be coming before this Commission to say one word because that would be about balancing the greater community good. However, that is not what this is about. When one looks at what is before this Planning Commission, there is not one change that has been made. When the nine lots are reviewed, consider a lot size of 4,137 square feet, consider three lot sizes of between 5,051 square feet and think about the structure that will be placed on that lot. He would submit that the structure was incompatible with the transportation choices that individuals make. The applicant says that per day, 54 vehicles would be on this street. Where would these vehicles be parked on that lot to build the structure. He thought the vehicles would be parked underneath the residence. That meant that some of the individuals would have about a three-story structure looking down on their residence on Fair Street where there were once trees.

Finally, he asked if this type of development fit the existing neighborhood, was this the way that one wanted to complete the neighborhood, and was it going to gain acceptance in the neighborhood.

Mr. John Villancourt, of 1015 Fair Street, stated that he was very concerned about the neighborhood. He thought this was in an envelope that was protected. There is a development, such as this, on 96 West at Boyd Mill, and it looks horrible. The lots are all crammed together, and this is exactly what will happen with this development. Fair Street is one of the prettiest streets in Franklin, but if this proposal passes, it will really hurt the neighborhood. It will not look good and will ruin the neighborhood. There are also flooding issues that he did not think had been addressed properly. He had not seen any engineering plans on it. He thought there was also the added noise, the added traffic, the fact that a street is coming next to a three-way stop, which many vehicles are using to cut through. There are also bicyclist clubs, the Rodeo, the Fair and all of the 5K, and 10K runs that come through this area. This will present a tremendous danger to the neighborhood.

Mr. Jay Sheridan, of 1006 Fair Street, stated that his wife was a teacher, and they had been there for eight years and had restored two historic homes on Fair Street. He had talked to several individuals and had been going through the process with the City since May of 2014. He still did not have very much clarity on the process. His understanding was that this project met all of the zoning standards. The zoning standards support and encourage a project to go on a lot, such as this. He felt that if one followed the rules and went through the process, there should be clarity, predictability and confidence in the fact that it would be approved. He thought everyone else was really well screened off. He was very concerned with the way it would look and how it would affect everything. He would like some affirmation, which a citizen can aspect to have, as he has mowed a big lot for eight years, has paid property taxes on it, has gone through the process, was told the project was allowed and then gets to this point, and it is denied. He would appreciate approval on the application.

Mr. Jim Crutchfield, 1012 Fair Street, stated that he had lived at this address for 42 years. Rules are rules, and Mr. Sheridan made a point. If the City makes a ruling on the property that gives Mr. Sheridan and his associates the right to build according to the rules. Mr. Sheridan talked about confidence in the City, as far as the infrastructure goes. Mr. Crutchfield cannot get out onto Fair Street at 7 a.m. and cannot get out on 11th Avenue, North in the afternoon. Mr. Sheridan is right that rules are rules, but might does not make right and rules do not necessarily make society. There are occasions in our lives when just because something is right with the long and is right with a segment of the population, it does not make it right with other parts of the population, or else there would not have been civil rights problems in the 1960s, the Cherokee removal in 1830, and we would not have all kinds of things. So, the fact that it is legal does not do a lot for Mr. Crutchfield. He wanted to go on the record as disapproving this plan again.

Mr. Jay Sheridan made a clarification that item 19 was within the current zoning, met all of the standards and did not have to be rezoned. He was not asking for any exceptions, he just wanted to get it clarified.

Alderman Petersen moved for disapproval for any and all of the following reasons: The language is from the Franklin Subdivision Regulations that were last amended February 23, 2013, Section 2.2.1(5). "There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly-dedicated street." On this proposed plat, number 12 it states, "The proposed lots will be accessed via a private

easement off of 11th Avenue." Also in the Franklin Subdivision Regulations, 3. 1.6 on sidewalks it states, "Sidewalks shall be required in all residential and commercial subdivisions."

Mr. Bryan Echols, of Dickinson Wright, excused himself but stated that the applicant had not had a chance to talk prior to Alderman Petersen's discussion.

Chair Hathaway apologized and asked if the applicant had something to say.

Mr. Bryan Echols, of Waller Law, stated that the applicant had not had a chance to speak. He represented the applicant and stated that they appreciated the fact that staff had, once again, recommended approval. He wanted to address a couple of things, and in light of the last comment he would go ahead and address that as well. Staff had placed a new comment, different from the report from last month at the bottom of the page, regarding transition and buffering. He wanted to make sure that the Planning Commission was aware that staff had said that buffering is required and transitioning is done. Staff references that in their report, and the applicant is in complete agreement with the buffering requirement. That is according to the Zoning Ordinance, which is the means of buffering when one has adjacent lot incompatibilities. This has been met and is a class C buffer. The applicant was told on this date that the issue of the Subdivision Regulations would be brought up. Mr. Echols stated that this street was not a platted private street, to which the Subdivision Regulations refer. It is a shared driveway. It is not unusual in Franklin to have shared driveways going back any number of years. The shared driveways are in residential developments, commercial developments, and are all over the City that have shared driveways on different platted lots with one access point. This is not usual, so unless this meeting has an epiphany tonight that all of those things were done improperly he suggested that this platted private street is limited to a different situation other than just a shared driveway. This driveway meanders over several blocks. It is in the common area, it is on some of the platted lots, and it is two driveways shared among the members. It is not consistent with the way the City has interpreted this for any number of years. It is not a private platted street referenced in the Subdivision Regulations. Finally, he stated that Mr. Scott Black was present to address some of the issues that did come up last month. He stated that there could be sharp differences of opinions on what was appropriate, but the Planning Commission is ruled by the rule of law and most of all the Subdivision Regulations. He requested that in conformity with staff recommendations that the Planning Commission approve item 19.

Mr. Scott Black, of Bristol Development Group, stated that he wanted to clarify a couple of comments from the May 28, 2015, Planning Commission meeting. One comment was the lot sizes. Through the approval, lot cover ratio can be met with the lot sizes that the applicant has. The applicant's intended goal from a marketing purpose was to deliver a product from Vandalia Cottages. This would be more of a downsized baby-boomer product where most of the living is on the first floor. That would require a larger, fuller lot coverage ratio. They know that they will go through the Historic Zoning Commission, that will go down to 35 percent, and that is what the lots are really driven towards. The applicant has met with staff since the May 28s Planning Commission, and there will be a deed restriction over all of the houses that are in this community about their rules, regulations, restrictions, and use of the shared driveway. He wanted to make it clear that they would have restrictions with each home purchased for the shared driveway. He requested approval for item 19.

Chair Hathaway stated that now Alderman Petersen could speak.

Alderman Petersen moved for disapproval of item 19 for any and all of the following reasons, which she reiterated. The Franklin Subdivision Regulations were last amended February 23, 2013, Section 2.2.1(5). "There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly-dedicated street." On this proposed plat, number 12 says, "The proposed lots will be accessed via a private easement off of 11th Avenue." Also in the Franklin Subdivision Regulations, 3. 1.6 on sidewalks it is stated, "Sidewalks shall be required in all residential and commercial subdivisions." In 4.1.3, also in the Subdivision Regulations, there is required the preliminary plat, which says, "shall contain the following information." In number 2 it says certification design, signed by the surveyor of Engineering preparing the plat. This is required on the plat and is one of the things that is required in the Subdivision Regulations to be a part of the plat. "From the Zoning Ordinance, last amended 8-26-14." 5.10.7 3. "Private streets shall be built to the same standards as public streets." 5.10.13 - Sidewalks - 3. Traditional Areas, of which this is a part. Part A says, "Along residential lots within traditional areas, sidewalks shall be setback a minimum of 5 feet behind the street curb." In this case, there is a road section that shows 3 feet, and some lots do not have any sidewalks. In addition, lots should not include streets within their boundaries. Lots 1 through 8 include parts of the paved surface of the street. Lots 6 through 8 contain within their boundaries at least two lanes of paved surface, which apparently is a street, a minimum 18 feet in width. Lot 7 contains in its boundaries, based on rough calculations just by Alderman Petersen, at least 800 square feet of this paved street surface. When this 800 square feet is subtracted from the 4, 137 square feet, the stated area in square feet in the parcel table for parcel 7, would be approximately 3,337 square feet and would not meet the minimum lot size of 4,000 square feet, which is required for R-3 zone in traditional areas.

Finally, staff has expressed concern about conformance for transitional features and also on the conditions requested further information on drainage. Alderman Petersen has had, at least, one comment from the neighborhood people about the drainage that already exists, and they have a big concern about this drainage.

Ms. Allen seconded the motion and stated the following reasons: There may have been some misconceptions of this item after the May 28 meeting. The Planning Commission does not simply rubber-stamp what is recommended to them by staff; however, most of the time, Ms. Allen supports staff. The Planning Commission is a voting body, and also sends items to the Board of Mayor and Aldermen. She wanted to be clear that all of the Planning Commissioners had opinions, and they may differ. They also have the right to say whether they feel that a development is compatible with existing neighborhoods or not, and that is why the Planning Commission exists. The May 28 Planning Commission meeting had an extensive discussion about what is now being called a shared driveway. It was called a private driveway at the May 28 meeting. It does not meet City standards. There was a question that was asked about this private drive and what were some of the properties that went to the middle of this shared drive. Ms. Allen will not support item 19. She feels that this plan is not compatible and everything is being added that is required by the law. Back in the 1950s, this area was part of something called the Dinky Track. Her father and others used to swim in this area. Drainage, water, and flooding are also a concern to Ms. Allen, and that is why she will never support this plan. She was not saying that a property owner should not have the right to subdivide; however, she does not feel that this plan is compatible at all.

Alderman Petersen was looking at what was submitted to the Planning Commission, and it calls it a private road section. It does not say anything about it being a shared driveway. With a private road section, it does have a sidewalk on it. If one were talking

about a driveway, she could not believe that they would be talking about a sidewalk along a driveway being required.

Ms. McLemore stated that Alderman Petersen had read several things from the Subdivision Regulations that were in violation. She asked if these items were in violation of item 19, which had been submitted and recommended on behalf of staff.

Mr. Anthony stated that he wanted to be clear that staff's recommendation was on how other projects had been treated in the past. However, he wanted to be clear that Alderman Petersen had brought up some very strong concerns and things that staff definitely needs to review within the Subdivision Regulations. As far as giving a direct answer, he could not give without conducting some further research into the Subdivision Regulations and the intent, context and what surrounds those statements, but staff plans to do that tomorrow.

Ms. Gregory asked if staff had found any concerns in their previous research.

Mr. Anthony stated that in their previous research, staff treated this item as they had with previous similar infill-type developments.

Ms. McLemore asked if this had been treated the same as Benelli Park.

Ms. Diaz-Barriga stated that Benelli Park actually had a public street that was in a right-of-way.

Mr. Franks stated that the applicant had been involved with staff for a year, according to the statements. Does the applicant deserve a deferral to go back and redesign the plan, does he need to have fewer homes, does he need to have a public street, and does he need to start over and spend another year on something that is conforming? The applicant should have been told about the Subdivision Regulations in his pre-application meeting. Mr. Franks asked how this could be worked out. It seemed to be unfair to the citizens and to the applicant.

Mr. Anthony stated that in light of the issues that Alderman Petersen had brought up, the applicant should start over.

Mr. Franks stated that the applicant would now have to go back in the rotation of the resubmittals, and that was one of the problems that needed to get resolved.

Alderman Petersen stated that she mentioned the affidavit that is required to be on the preliminary plat application. It states that, "Certification of design, signed by the surveyor or engineer preparing the plat, which contains the following: I, (name of engineer), have to the best of my ability, designed this subdivision in accordance with the ordinances and regulations governing the subdivision of land within the City of Franklin and within the Franklin Land Use Plan with which I am familiar." Alderman Petersen stated that it is also on the applicant to know the rules, and just because something may have happened before does not change the regulations. The regulations, as written, are still valid. They would have to be changed by the Planning Commission and/or the Board of Mayor and Aldermen before they are changed, not just a practice of ignoring them.

Mr. Harrison wanted to echo Mr. Franks' comments. It seems that these are in violation of the City's standards, and they should have been brought up at some time prior to the year. He could support a deferral on this to try to get it worked out with the City as

opposed to a disapproval because it has been a year in the process, and as Mr. Franks mentioned there is not a need to start the whole process over if it can be worked out over the next 30 to 90 days.

Ms. Diaz-Barriga stated that she wanted to clarify that there was a point where the applicant chose to add additional square footage to the project from what was first submitted, that did take a step back, and they did a plat ahead of this to include that lot into this project.

Mr. Harrison stated that that was not a problem, but he would still support a deferral.

Ms. Billingsley stated that the Planning Commission could not ask for deferral and that only the applicant could ask for a deferral at this point.

Mr. Echols stated that he wanted to state, unequivocally, that the applicant disagrees with the interpretation offered by some members of the Planning Commission with respect to this rule, and while practice does not, indeed, change the rule, it does assist in how they properly interpret Subdivision Regulations. When one has, for years, interpreted the Subdivision Regulations to allow private driveways and one has the history, then it is a powerful way of interpreting that Subdivision Regulations. So, it is relevant. The compatibility issue has been addressed, and "yes" we can all have opinions, and "no" you are not a rubber stamp, but the Planning Commission is required to approve things that meet the requirements. If there is a disagreement about whether this item meets the Subdivision Regulations, that is fine, but that is Mr. Echols' point. Finally, a lot of the aspects to which Alderman Petersen referred, are applicable only if it is deemed a street rather than a driveway. There is a crucial distinction there. Once it is a driveway, there are no sidewalks on driveways. He also pointed out that in the Subdivision Regulations it is referenced to a platted private street and is inconsistent in a number of areas within the Zoning Ordinance, which addresses private driveways, shared access easements, and all of these things. One of the things that one can have under the Zoning Ordinance is a private road. It is not a surprise to find that things on a plan reference a private road, and that is what the Zoning Ordinance calls it. However, this is in no respect anything other than a shared driveway. He understood that there was a disagreement, and he could not change anyone's mind, but he wanted the Planning Commissioners to understand that this was the applicant's position. Quite frankly, a deferral would be fruitless anyway if the Planning Commissioners were going to say that running down the middle of this development has to be a public street, so it is a completely different aspect.

Mr. Franks asked if this private street was conforming to the Subdivision Regulations.

Mr. Echols stated that obviously the applicant thought that it was.

Ms. Allen stated that at the May 28 Planning Commission meeting this question was brought up, and it was stated that it was not, and it would have to go back before Engineering before anyone would accept it. During that conversation on May 28, the applicant and his representative were present, and it was brought up that this did not meet City standards.

Alderman Petersen stated that on the paperwork the applicant submitted it is called a private road section and states that, "Private streets shall be built to the same standards as required for public streets." It did not indicate to Alderman Petersen that it was a driveway, and it was part of a lot.

Mr. Anthony stated that preliminary plats were obviously governed by the Subdivision Regulations, which as Alderman Petersen pointed out stated, "no private roads." However, when staff looks at a plat, there are certain aspects of the Zoning Ordinance that staff applies to it as well. Mr. Echols has pointed out that private roads are discussed in the Zoning Ordinance. So, staff has a difference in one document versus another. He thought that this informed staff's recommendation and this was the way they reviewed this particular project.

Ms. Allen stated that the question was asked at the end of the last discussion that stated, "If this private drive was built to City standards, would the applicant lose some of the additional 8 lots. The answer was that, "This would need to be restudied and calculations reworked for even that question to be answered.

Mr. Orr stated that the driveway was just one issue. He did not see any way that this development, as it is shown, provides any type of transition to the parcels around it, which is as much of a concern to him as the driveway.

Vice Chair Lindsey stated that more and more infill is being seen all of the time. His concern is that it appears that in so many cases, this is a case of trying to squeeze way too much on an existing amount of land. One could say that the compatibility issue has been addressed when a three-story building has been stuck across from a house that has always backed up to the woods. To him there was not compatibility with that.

Mr. Franks stated that this item was denied last month but was back, again, at this meeting because the Planning Commission had not specifically stated why they had denied the item.

Chair Hathaway stated that was addressed with Alderman Petersen's motion, which was to deny item 19.

A motion was made by Commissioner Petersen, seconded by Commissioner Allen, that this Planning Item be denied for any and all of the following reasons: The language is from the Franklin Subdivision Regulations that were last amended February 23, 2013, Section 2.2.1(5). "There shall be no private streets platted in any subdivision. Every subdivided property shall be served from a publicly-dedicated street." On this proposed plat, number 12, it states, "The proposed lots will be accessed via a private easement off of 11th Avenue." Also in the Franklin Subdivision Regulations, 3. 1.6 on sidewalks it states, "Sidewalks shall be required in all residential and commercial subdivisions." The motion carried by the following vote:

- Aye:** 5 - Commissioner Petersen, Commissioner Franks, Commissioner Allen, Commissioner Orr, and Commissioner Lindsey
- No:** 3 - Commissioner Harrison, Commissioner McLemore, and Commissioner Gregory

20. [15-0505](#) Get Ready Subdivision, final plat, a 5,791 SF private car wash and vehicle processing facility on 4.085 acres, located at 4621 Carothers Parkway. (CONSENT AGENDA)

Attachments: [4684 Map](#)
[4684 Final Plat](#)
[4684 Conditions of Approval](#)

This Planning Item was approved.

21. [15-0428](#) The Highlands at Ladd Park PUD Subdivision, final plat, section 13, 38 detached residential lots and 4 open space lots on 11.75 acres, located west of Carothers Parkway, north of Truman Road West and along Alfred Ladd Road. (CONSENT AGENDA)

Attachments: [5830 Map](#)
[5830 Final Plat](#)
[5830 Conditions of Approval](#)

This Planning Item was approved.

22. [15-0433](#) The Highlands at Ladd Park PUD Subdivision, final plat, section 23, 59 detached residential lots and 2 open space lots on 16.99 acres, located north of Long Lane and west of the future Carothers Parkway. (CONSENT AGENDA)

Attachments: [5825 Map](#)
[5825 Final Plat](#)
[5825 Conditions of Approval](#)

This Planning Item was approved.

23. [15-0436](#) The Highlands at Ladd Park PUD Subdivision, final plat, section 25, 6 detached residential lots and 1 open space lot on 21.65 acres, located north of Truman Road East and east of Ryecroft Lane. (CONSENT AGENDA)

Attachments: [5826 MAP](#)
[5826 Final Plat](#)
[5826 Conditions of Approval](#)

This Planning Item was approved.

24. [15-0482](#) Nichol Mill Lofts PUD Subdivision, final plat, 1 attached residential lot on 6.19 acres, located at 427 and 447 Nichol Mill Lane near the intersection of Nichol Mill Lane and Mallory Lane (CONSENT AGENDA)

Attachments: [5821 Nichol Mill Lofts PUD Subdivision, FP, Project Map.pdf](#)
[5821 Nichol Mill Lofts PUD Subdivision Conditions of Approval_01.pdf](#)
[5821 Nichol Mill Lofts PUD Subdivision, Final Plat](#)

This Planning Item was approved.

25. [15-0437](#) Quail Hollow Business Park, final plat, section 2, revision 5 (Rolling Hills Hospital Addition), a 17,800 square foot building addition on 17.68 acres, located at 2014 Quail Hollow Circle. (CONSENT AGENDA)

Attachments: [5829 Map](#)
[5829 Final Plat](#)
[5829 Conditions of Approval](#)

This Planning Item was approved.

26. [15-0503](#) The Standard at Cool Springs Subdivision, final plat, (Waterford Subdivision, Revision 1), two lot subdivision on 25.00 acres, located at 1222 Liberty Pike. (CONSENT AGENDA)

Attachments: [5840 The Standard Subd. FP MAP](#)
[Conditions of Approval_5840 The Standard Final Plat](#)
[5840 The Standard - final plat](#)

This Planning Item was approved.

27. [15-0481](#) Through the Green PUD Subdivision, final plat, section 3, revision 1, lots 52-83, 33 attached residential housing lots on 2.64 acres located on Vintage Green Lane and Shadow Green Drive near the intersection of Columbia Ave and Mack Hatcher Parkway. (CONSENT AGENDA)

Attachments: [5822 Through The Green PUD Subdivision, FP, Project Map.pdf](#)
[5822 Through The Green PUD Subdivision FP Conditions of Approval_01.pdf](#)
[5822 Through the Green PUD Subdivision, FP](#)

This Planning Item was approved.

28. [15-0507](#) Township PUD Subdivision, site plan, section 1, a 59,736 square foot assisted living facility, on 17.30 acres, located at 1127 Murfreesboro Road. (CONSENT AGENDA)

Attachments: [5841 Township PUD SP Sec 1 MAP](#)
 [5841 Township PUD Conditions of Approval](#)
 [Township PUD Sec 1 SITE LAYOUT](#)
 [Township PUD Sec 1 ELEVATIONS](#)
 [Township PUD Sec 1 FULL PLANS SET](#)

This Planning Item was approved.

NON-AGENDA ITEMS

ANY OTHER BUSINESS

ADJOURN

There being no further business, the meeting adjourned at 8:16 p.m.

Chair, Mike Hathaway